

1 UNITED STATES DISTRICT COURT  
2 SOUTHERN DISTRICT OF NEW YORK  
-----X

3 UNITED STATES OF AMERICA,  
4 v. 18 Cr. 319 (SHS)  
5 CHRISTIAN PABON,  
6 Defendant.

7 -----X Trial  
8 New York, N.Y.  
9 May 4, 2022  
9:30 a.m.

10 Before:

11 HON. SIDNEY H. STEIN,  
12 District Judge  
13 and a Jury

14 APPEARANCES

15 DAMIAN WILLIAMS  
16 United States Attorney for the  
17 Southern District of New York

18 BY: ADAM S. HOBSON  
19 RUSHMI BHASKARAN  
20 ELIZABETH A. ESPINOSA  
21 Assistant United States Attorneys

22 ELIZABETH E. MACEDONIO, P.C.  
23 Attorneys for Defendant

24 BY: ELIZABETH E. MACEDONIO  
25 ROTHMAN, SCHNEIDER, SOLOWAY & STERN, LLP  
Attorneys for Defendant  
BY: JEREMY SCHNEIDER

Also Present: Emily Abrams, Paralegal Specialist, USAO  
Dylan Schneider, Defense Paralegal

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1 (Trial resumed; jury not present)

2 THE COURT: The defendant is here. Everyone is here.

3 Please be seated.

4 Someone has an issue for the Court.

5 MR. HOBSON: Your Honor, we wanted to bring to the

6 Court's attention that later either this morning or early  
7 afternoon we expect to call the medical examiner in this case.

8 We intend to offer one autopsy photograph into evidence, and we  
9 understand that the defendant objects to this photo, so we  
10 wanted to bring it to the Court's attention. We thought now  
11 would be a good time.

12 THE COURT: Yeah. Let me see it.

13 MR. HOBSON: Government Exhibit 202.

14 THE COURT: And the jury is here.

15 MR. HOBSON: This is the only photo we intend to  
16 introduce.

17 THE COURT: What's the purpose? And I assume the  
18 objection is 403?

19 MR. SCHNEIDER: Yes.

20 THE COURT: All right.

21 MR. HOBSON: Your Honor, it is to show the two bullet  
22 wounds, the entry and exit wound. He will be testifying that  
23 the bullet was the cause of death, that it was --

24 THE COURT: Wait a minute. The medical examiner will  
25 testify that a bullet was the cause of death. Go ahead.

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1 MR. HOBSON: Yes. He will also be testifying that the  
2 bullet entered the lower back and exited in the upper back.

3 THE COURT: I see.

4 MR. HOBSON: And as your Honor might see, I think this  
5 is part of why we want to use the pictures. It is somewhat  
6 counterintuitive to what someone might picture in their head  
7 for an entry and exit wound. They might picture it would enter  
8 through the back and exit through the front of a person. So he  
9 is going to be able to describe the track of the bullet, what  
10 organs it went through, what internal damage it caused. And  
11 seeing exactly where the entry and exit wounds are I think will  
12 allow the jury to better understand how the bullet killed the  
13 victim.

14 THE COURT: All right. Defense, are you going to be  
15 contesting anything about the entry and exit wounds?

16 MR. SCHNEIDER: No.

17 THE COURT: That's the issue.

18 MR. SCHNEIDER: No.

19 THE COURT: Nothing at all.

20 MR. SCHNEIDER: No. I mean yes, nothing at all.

21 THE COURT: I'm going to exclude this under 403. I do  
22 find that its probative value is substantially outweighed by  
23 the prejudice of seeing a dead, bloody body, dead, bloody,  
24 naked body, especially if the defense is not going to be  
25 contesting the issue of the entry and exit wounds. I will

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1 change my mind if indeed it appears on cross-examination that  
2 the defense is doing that, but as of now, that's my ruling.

3 MR. HOBSON: Understood, your Honor.

4 THE COURT: Let's bring the cooperator in, please.

5 Do you have an estimate, Ms. Macedonio.

6 MS. MACEDONIO: I'm sorry, your Honor, I really just  
7 don't. It's going to be lengthy.

8 (Witness present)

9 THE COURT: My deputy has informed the parties, I  
10 understand, that we are going to be moving to Courtroom 23B  
11 across the hall, has she? No? Yes. Somebody is saying no.  
12 Somebody is saying yes. Tomorrow and from now on -- I'm sorry.  
13 Today we are going to have court here. From tomorrow until the  
14 trial ends we are going to be across the hall in 23B. This is  
15 for logistical purposes. The jury deliberation room will be  
16 across the hall, as well, just on the south side rather than  
17 the north side of the building. I will tell the jury. You  
18 people look confused, but my deputy has said she has already  
19 informed you of that. It doesn't matter. You now are  
20 informed.

21 Just so the parties are aware, 23B is a  
22 COVID-compliant courtroom, more COVID compliant insofar as it  
23 has plexiglass booths with HEPA filters for both the lawyer who  
24 is speaking and for the witness who is speaking and the jury  
25 booth is -- the jury box has additional space between each

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juror. You can take a look at it later today if you wish.  
MR. HOBSON: So, your Honor, I assume that means we  
will be back to doing jury addresses from the plexiglass box?

THE COURT: Yes.

Jury entering. Please rise.

(Continued on next page)

(Jury present)

THE COURT: Please be seated in the courtroom.

Good morning, ladies and gentlemen, and thank you for

being here in a timely fashion.

I wish to inform you that starting tomorrow, we are  
going to switch courtrooms. We are going to be across the hall  
in Courtroom 23B. My deputy will show you where the jury room  
is for you. Again, it is simply across the hall.

It is for logistical purposes. That courtroom has a  
plexiglass booth with a HEPA filter for the questioning lawyer  
and a plexiglass booth with a HEPA filter for the -- whatever  
witness is speaking, and the jury box is designed to give you a  
little more comfort. You are spread out a little more.

It's being used by another judge today, but starting  
tomorrow we will be there, and Ms. Blakely will show you where  
you come in in the morning. Okay? So remember tomorrow—but I  
will remind you again—we are going to be in Courtroom 23B, just  
across the hall, the only other courtroom on this floor.

Mr. Castillo, welcome, sir, and I remind you that you  
remained under oath. You understand that, correct?

THE DEFENDANT: Yes, sir.

THE COURT: All right. You may continue your  
cross-examination, Ms. Macedonio.

MS. MACEDONIO: Thank you very much, your Honor.

RAYMOND CASTILLO, previously sworn.

CROSS-EXAMINATION

BY MS. MACEDONIO:

Q. Good morning, Mr. Castillo.

A. Good morning.

Q. You testified yesterday on cross-examination that during  
the course of your criminal career you made hundreds of  
thousands of dollars, is that correct?

A. Yes.

Q. And you also testified that as part of 200, members of 200  
were supposed to give some of that money back for the group,  
correct?

A. Yes.

THE COURT: We are having difficulty with the exact  
either too far, too close. Move a little closer and raise your  
voice. We will see if it works. I apologize for these mics.  
They are sensitive.

Go ahead.

MS. MACEDONIO: Thank you, Judge.

BY MS. MACEDONIO:

Q. But you yourself never contributed any of the hundreds of  
thousands of dollars that you made, correct?

A. I gave money for commissary to people.

Q. You sent a little bit of commissary to a couple of people,  
right?

A. Yes.

Q. I notice that you are wearing glasses today, Mr. Castillo .  
Is that right?

A. Yes.

Q. Are those for vision?

A. I can't see from one eye too good.

Q. What happened to your eye?

A. I was hit with a bat when I was younger, and at MCC I  
caught Bell's palsy and it messed up my vision on my eye, and I  
got a slight droop on the side of my face still.

Q. Are those designer glasses that you are wearing?

A. No.

Q. No? Who makes those glasses?

A. I don't know.

Q. Are they Cartier?

A. No.

Q. No? Are you sure?

A. 100 percent positive.

Q. Okay. in 2009, do you recall committing a robbery with  
Choco Black and CB, a robbery of some distributors?

A. Who is CB?

Q. I don't know. You tell me. Do you remember the robbery of  
the strippers?

A. I remember the robbery, but I don't remember the people you  
are saying. I don't know who is that.

Q. Tell me who you committed the robbery with?

1 A. Choco Black and Boy.  
 2 Q. And who?  
 3 A. Boy.  
 4 Q. Okay. What happened? Tell us what happened.  
 5 A. Choco Black set some strippers up that she was working with  
 6 that night for me and Boy to rob them.  
 7 Q. And who is Choco Black?  
 8 A. That was Boy's girlfriend at the time.  
 9 Q. Boy's girlfriend?  
 10 A. Yes.  
 11 Q. So it's a female, correct?  
 12 A. Yes.  
 13 Q. And Choko Black set people up to be robbed, right?  
 14 A. Yes.  
 15 Q. And she was somebody that you associated with, correct?  
 16 A. Yes.  
 17 Q. So tell us what happened during the robbery?  
 18 A. They came from working in the strip club, and as they was  
 19 going in one of the buildings in Dyckman, me and Boy was  
 20 waiting for them in the hallways in the staircase. When they  
 21 came in the building we robbed them at gunpoint.  
 22 Q. Okay. You knew they were coming, right?  
 23 A. Yes.  
 24 Q. Choko Black was bringing them to you, correct?  
 25 A. Yes.

1 Q. You knew where they were going to be, right?  
 2 A. Yes.  
 3 Q. And you knew that these women had just spent the night  
 4 taking their clothes off for men for money, right?  
 5 A. Yes.  
 6 Q. And you were going to steal that money from them, correct?  
 7 A. Yes.  
 8 Q. And in fact you did, right?  
 9 A. Yes.  
 10 THE COURT: Can the jury hear is the witness?  
 11 JUROR: Yes.  
 12 Q. You had plastic bags over your faces?  
 13 A. Yes.  
 14 Q. You had guns out in their faces?  
 15 A. Yes.  
 16 Q. And Choko Black went along with it, right? She pretended  
 17 to be one of the victims, correct?  
 18 A. Yes.  
 19 Q. And to further the ruse, you pretended to rob her as well,  
 20 right?  
 21 A. Yes.  
 22 Q. Took her cell phone. Right?  
 23 A. Yes.  
 24 Q. Okay. Took everybody's money and everybody's cell phone at  
 25 gunpoint, right?

1 A. Yes.  
 2 Q. And then you take -- you leave with all of their  
 3 belongings, right?  
 4 A. Yes.  
 5 Q. And you meet up later and you split it between the three of  
 6 you, correct?  
 7 A. Yes.  
 8 Q. Do you remember how much money you made on that?  
 9 A. No.  
 10 Q. No. no clue, right? When was this do you think?  
 11 A. Over ten years ago.  
 12 Q. 2009? Does that sound about right?  
 13 A. Yes.  
 14 Q. Before you went to jail?  
 15 A. Yes.  
 16 Q. You talked yesterday about the kidnapping of somebody named  
 17 Andrew. Do you recall that?  
 18 A. Yes.  
 19 Q. What happened with Andrew? Who was with you?  
 20 A. Milton Chardon.  
 21 Q. And why did you kidnap Andrew?  
 22 A. We had an ongoing altercation with Jay Calderon and he owed  
 23 some money.  
 24 Q. Jay and who else?  
 25 A. Jay Calderon.

1 Q. Is there anybody else involved in this?  
 2 A. Yes.  
 3 Q. Who?  
 4 A. Jonathan Quezada.  
 5 Q. Who?  
 6 A. Jonathan Quezada.  
 7 Q. So you and Milton see Andrew on the street, right?  
 8 A. Yes.  
 9 Q. And do you call the other two, Jay and this other  
 10 individual, and say, hey, what do you want us to do? We see  
 11 Andrew?  
 12 A. No.  
 13 Q. What did you do?  
 14 A. We seen Andrew and we just grabbed him up and brung him.  
 15 Q. So you see this -- how old was Andrew --  
 16 A. Around my age.  
 17 Q. -- at that time.  
 18 A. (Nodding head).  
 19 Q. So he was a kid, right?  
 20 A. So were we.  
 21 Q. Okay. So you were kids. You were all kids.  
 22 You take this kid and you put him in a chokehold and  
 23 you throw him in a car, right? You and Milton.  
 24 A. No.  
 25 Q. What did you do?

1 A. We went back to Dyckman and picked up Jay Calderon and we  
 2 came back all three of us and they pointed a gun at him and I  
 3 all I did was push him in the car. Nobody put him in no  
 4 chokehold.  
 5 Q. Do you remember telling the government that you put him in  
 6 a chokehold?  
 7 A. I don't actually remember.  
 8 Q. Okay. But you are saying, as you sit here today, instead  
 9 of putting him in a chokehold, somebody pulled a gun on him and  
 10 you threw him in the car?  
 11 A. Yes.  
 12 Q. Certainly he wasn't getting in the car on his own free  
 13 will, right?  
 14 A. No.  
 15 Q. All right. So now that he is in the car, what's happening  
 16 to him?  
 17 A. Nothing.  
 18 Q. Nothing. No one saying: Hey, Andrew where's the money?  
 19 A. Yeah. Him and Jay Calderon were speaking on that .  
 20 Q. Is anybody beating the crap out of him while he is in the  
 21 car?  
 22 A. No.  
 23 Q. No. They are just politely saying, gee, Andrew, you owe us  
 24 some money. Would you be kind enough to give it to us ?  
 25 A. No. He was intimidated. There is a gun in the car.

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1 A. That was before we went to the bank.  
 2 Q. That was before you went to the bank. Okay.  
 3 A. Yes.  
 4 Q. So before you went to the bank, you first went to the house  
 5 and his mother let you in, right?  
 6 A. Yes.  
 7 Q. You didn't say to his mother: Oh, hello Andrew's mother.  
 8 We happened to have kidnapped your son . He is in the back of  
 9 the car. Would you please let us in, did you?  
 10 A. Andrew went upstairs with us to his own house.  
 11 Q. He went into his own house and you searched his house,  
 12 right?  
 13 A. We went and got his credit cards and we searched his room  
 14 for money.  
 15 Q. And didn't find any?  
 16 A. We didn't find nothing.  
 17 Q. No?  
 18 A. We didn't find nothing.  
 19 Q. Okay. Now, was all of this happening -- excuse me.  
 20 Do you recall telling the government that when you  
 21 couldn't find any money, when you didn't get any money from  
 22 him, that Andrew was beaten up, stripped into his boxers, and  
 23 thrown out on the street?  
 24 A. Yes, but I wasn't there when that happened.  
 25 Q. You weren't there at that particular moment?

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1 Q. So he is abducted at gunpoint and he is put in a car and  
 2 they are demanding money from him. Isn't that what's  
 3 happening?  
 4 A. Yes.  
 5 Q. And then you take him to a bank, right?  
 6 A. Yes.  
 7 Q. And you try and get him to agree -- to take money out of an  
 8 ATM, right?  
 9 A. I don't know what happened in the bank. I never stepped  
 10 foot in the bank.  
 11 Q. Okay. Well, didn't you talk about it, sir?  
 12 A. I don't remember everything.  
 13 Q. Okay. What was the purpose of going to the bank ?  
 14 A. To withdraw money.  
 15 Q. Right. Okay. But it didn't work, right?  
 16 A. No.  
 17 Q. So what did you do next?  
 18 A. We drove to Hillside and Dyckman, and after that I don't  
 19 recall what happened. I left then. We caught a flat tire, so  
 20 Milton left, and we left Andrew with Jonathan Quezada and Jay  
 21 Calderon. So after that, I don't really know what happened.  
 22 Q. Didn't you go to Andrew's house and his mother let you in  
 23 the house?  
 24 A. Yes.  
 25 Q. Okay.

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1 A. No. There is camera footage. I wasn't there.  
 2 Q. That's your testimony. Okay?  
 3 A. Yes.  
 4 Q. Were you on the run at this time from the diversionary  
 5 program that we talked about yesterday?  
 6 A. I don't think so.  
 7 Q. You don't think so?  
 8 A. No.  
 9 Q. You started to talk yesterday about breaking. Do you  
 10 recall that?  
 11 A. Yes.  
 12 Q. What's breaking?  
 13 A. It's when you sell fake drugs to somebody.  
 14 Q. And how does one go about doing that?  
 15 A. You look for potential customer , act like you are a buyer  
 16 or you are a distributor. You either hand them fake money or  
 17 singles, dollar bills, newspaper, or -- that's if you are  
 18 buying the drugs; and if you acting like you got the drugs, you  
 19 give them fake drugs.  
 20 Q. So let's break this down.  
 21 In some instances, you would sell to would-be  
 22 customers fake narcotics, right?  
 23 A. Yes.  
 24 Q. And in order to do that, you would first have to establish  
 25 some type of relationship with them, right?

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1 A. Sometimes; not all the time.  
 2 Q. Okay. Well, you would have to establish a relationship  
 3 with somebody at least for them to say we would like to  
 4 purchase some drugs from you, right?  
 5 A. Yeah, we could talk business. We don't got to establish no  
 6 friendship or relationship.  
 7 Q. I'm not saying a friendship, but I'm saying there would be  
 8 some conversation between you and the would -be customer, right?  
 9 A. Yeah, drug business.  
 10 Q. Drug business. Okay.  
 11 And sometimes these conversations would be extensive,  
 12 correct?  
 13 A. Yes.  
 14 Q. Okay. And sometimes you would actually pretend to be that  
 15 person's friend, right?  
 16 A. Just business, not a friendship.  
 17 Q. You weren't real friends, right, but you were friendly with  
 18 some of these folks.  
 19 A. Sometimes.  
 20 Q. Sometimes. And sometimes, if not a lot of times, you were  
 21 conducting large transactions, right?  
 22 A. Yes.  
 23 Q. And so what do you think the largest break transaction you  
 24 ever did was as far as selling?  
 25 A. 100 pounds of marijuana.

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1 with people, how much would a kilogram of cocaine sell for  
 2 roughly?  
 3 A. Depends the price on the street. They go up and down.  
 4 Q. Tell us what your experience is.  
 5 A. 25, 27, 30, 32, 33.  
 6 Q. So you just testified anywhere between 25 and \$32,000,  
 7 right? We are not talking about \$32, right?  
 8 A. Yes.  
 9 Q. So in a three-kilogram transaction, we are approaching the  
 10 \$100,000 mark, right?  
 11 A. Yes.  
 12 Q. Okay. And you are just selling sham drugs, right?  
 13 A. Yes.  
 14 Q. And you did this how many times?  
 15 A. A couple times.  
 16 Q. A couple of times? Isn't it --  
 17 A. Yes.  
 18 Q. -- fair to say that you started breaking in 2009 before you  
 19 went to jail, right?  
 20 A. Yes.  
 21 Q. And then you told the government when you came home from  
 22 jail between 2016 and 2017, you were breaking or scoping out  
 23 customers every single day, right?  
 24 A. No.  
 25 Q. You didn't tell them that?

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1 Q. 100 pounds of marijuana.  
 2 What about cocaine? What's the biggest cocaine deal  
 3 you ever did?  
 4 A. Two or three bricks.  
 5 Q. At a time?  
 6 A. Yes.  
 7 Q. Okay. And in order to be able to sell two or three  
 8 bricks -- that's a kilogram, right, that you are talking about,  
 9 a brick?  
 10 A. Yes.  
 11 Q. In order to be able to do that, you would first have to  
 12 give the would-be customer a sample, right?  
 13 A. Sometimes.  
 14 Q. Okay. So sometimes the customer would say, hey, you know  
 15 this is a big transaction. Give me a sample of what you have.  
 16 Right?  
 17 A. Yes.  
 18 Q. And you would do that, right?  
 19 A. Yes.  
 20 Q. But that would be real cocaine, right?  
 21 A. Yes.  
 22 Q. Okay. And so you would be setting up this relationship to  
 23 sell a major amount of cocaine using real drugs, right?  
 24 A. Yes.  
 25 Q. And how much -- during the course of your career breaking

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1 A. No.  
 2 Q. Okay.  
 3 MS. MACEDONIO: Can you please bring up 3503-48, page  
 4 7.  
 5 Q. Mr. Castillo, do you see what's highlighted there on the  
 6 screen?  
 7 THE COURT: Just read that to yourself, sir. Don't  
 8 read it aloud.  
 9 Can you amplify that, expand it?  
 10 What's your question, ma'am?  
 11 BY MS. MACEDONIO:  
 12 Q. Does that refresh your recollection that you told the  
 13 government that you were breaking or scoping out customers  
 14 every day in 2016 and '17?  
 15 A. The government probably made a mistake. I didn't say I was  
 16 breaking every day or scoping out customers every day. I said  
 17 I was scoping out robberies every day and I was breaking also.  
 18 Q. Okay. So it's their mistake, not yours, right?  
 19 A. It was honest mistake, I guess, because I told them a lot  
 20 of information. I wasn't the one scribbling down the notes.  
 21 Q. Just to be clear you have no idea how many times you broke  
 22 people, do you?  
 23 A. No.  
 24 Q. You have no idea the exact number of robberies you  
 25 committed, do you?

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A. I know there are more robberies than breaking. There was a lot of robberies.

Q. A lot, but too many to remember, right?

A. No, I can remember a lot of them.

Q. Okay. Well, we are going to go through a lot of them, but you don't have an exact number as you sit there, do you ?

A. No.

Q. Same with the burglaries, right?

A. There is more burglaries than robberies and breaking, so no.

Q. So in order of the number of crimes you have committed, you would say burglaries, robberies, breaking, right?

A. Yes.

Q. So as part of this breaking, you were regularly lying to people, right?

A. When it came to breaking, yes.

Q. Yes. You were lying to them. You were saying here is a kilogram of cocaine. Thank you very much for your \$32,000 , but that wasn't cocaine at all, right?

A. It benefited me when it came to breaking.

Q. It benefited you to lie.

A. When it came to breaking.

Q. When it came to breaking, you were lying because it benefited you, right?

A. Yes.

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R. Castillo - Cross

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Q. Gaga?

A. Yes.

Q. And what happened there?

A. I got shot at.

Q. And?

A. That's it.

Q. Did JC get shot in the stomach?

A. Yes.

Q. And you called 9-1-1?

A. Somebody in the car did. I'm not sure if it was myself.

Q. Did you tell the authorities that he got shot at a concert ?

A. I told -- no, I told the authorities we got followed back from a concert. There was footage. We got shot at inside the hotel parking lot.

Q. Do you remember telling the government that you told the authorities that JC had got shot at a concert?

A. I told the government -- the government knew I was out there breaking. I told them the truth.

Q. Okay. That's not the question, sir. The question is did you tell the government that when JC got shot, that you told the authorities that he had gotten shot in the stomach -- I mean that he had gotten shot at a concert?

A. I told the authorities that we was followed from a concert.

Q. Okay. Let me ask the question a different way. You spoke to the authorities about JC getting shot, right?

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Q. And you did the same thing when you were purchasing real drugs from someone, right?

A. Yes.

Q. You would lie to them and say here's your \$32,000, but there wasn't \$32,000 there at all, right?

A. Yes.

Q. Okay. Sometimes you would have hundreds and then in the middle singles, right?

A. Yes.

Q. Sometimes it was just fake money altogether, right?

A. Yes.

Q. Sometimes it was newspaper, right?

A. Yes.

Q. And you got away with this over and over and over again, right?

A. A few times.

Q. A few times. Lying, lying, lying, for your benefit, right ?

A. Only when it came to breaking.

Q. Only when it came to breaking. Okay.

What happened -- did you go to Minnesota with JC and someone else?

A. Yes.

Q. What happened there? Who is the someone else that went?

How do you say her name?

A. It was JC and there was a guy named Gava (ph).

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R. Castillo - Cross

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A. Yes.

Q. And you certainly didn't tell them that he got shot during the middle of a drug transaction, did you?

A. No.

Q. A fake drug transaction, right?

A. No.

Q. And certainly that lie benefited you, too, right?

A. Yes.

Q. Okay. And where did all of this happen?

A. In the hotel in Minneapolis.

Q. In Minneapolis, Minnesota, right?

A. Yes.

Q. Moving on to 2010 now, you, June, and Alan got arrested in a pharmacy burglary. Do you remember that?

A. Yes.

Q. February 3, 2010?

A. Yes.

Q. Boy was with you, too?

A. Yes.

Q. Boy got away, right?

A. Yes.

Q. And you had a high-speed chase with the cops?

A. Yes.

Q. You were running from the cops, right?

A. Yes.

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1 Q. Okay. And you were -- you had this high-speed chase in  
 2 which the police officers were risking their lives trying to  
 3 capture you, right?  
 4 A. Yes.  
 5 Q. You didn't just pull over, right?  
 6 A. I wasn't driving.  
 7 Q. Okay. Well, the driver of the car that you were in, after  
 8 trying to commit this robbery, didn't pull over, right?  
 9 A. No.  
 10 Q. And certainly you didn't say to them, please pull over, the  
 11 police are chasing us?  
 12 A. I didn't say a word.  
 13 Q. Okay. But you wanted to get away, right?  
 14 A. Yes.  
 15 Q. But you didn't get away, did you?  
 16 A. No.  
 17 Q. You got arrested, right?  
 18 A. Yes.  
 19 Q. Okay. And you got out on \$5,000 bail, correct?  
 20 A. Yes.  
 21 Q. And you went right back to doing robberies, right?  
 22 A. Yes.  
 23 Q. Right back to committing crimes.  
 24 Do you remember in the summer of 2010 the robbery at a  
 25 Moneygram where you and June got \$73,000?

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1 A. Yes.  
 2 Q. What happened there?  
 3 A. We burglarized the Moneygram.  
 4 Q. Yeah. And?  
 5 A. We broke the safe and took the money.  
 6 Q. So you took the safe out or you broke the safe there?  
 7 A. Broke the safe inside the establishment.  
 8 Q. Inside the Moneygram. Okay.  
 9 How did you do that?  
 10 A. With a crowbar.  
 11 Q. With a crowbar.  
 12 So you came to this Moneygram place with all of your  
 13 burglar's tools, right?  
 14 A. No, we had to leave and come back.  
 15 Q. Oh, okay. So you first scoped it out, right?  
 16 A. Broke into it first.  
 17 Q. Okay.  
 18 A. They didn't have the proper equipment to break the safe, so  
 19 we left and came back.  
 20 Q. So not only were you brazen enough to break into it, but  
 21 when you saw there was a safe there, it was important enough  
 22 for you to leave the place that you had broken into, go home,  
 23 get the proper tools, and come back and break into the safe,  
 24 right?  
 25 A. I left to the car, not home.

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1 Q. You went to the car?  
 2 A. Yes.  
 3 Q. So you were going in and out, right?  
 4 A. Yes.  
 5 Q. What kind of car were you driving?  
 6 A. I wasn't driving but I was in a white Town and Country  
 7 minivan.  
 8 Q. So you had brought the proper tools with you. Perhaps  
 9 that's the best way to say it. Right?  
 10 A. Yes.  
 11 Q. Okay. And unfortunately June left his DNA on the safe and  
 12 got arrested, right?  
 13 A. Yes.  
 14 Q. You got away with it and the \$73,000, correct?  
 15 A. Yes.  
 16 Q. Okay. Moving along, do you remember with P-Mula pretending  
 17 to sell pills to a guy, you, P-Mula, and Yasmil, the guy pulled  
 18 out a BB gun and -- excuse me, Yasmil pulled out a BB gun and  
 19 took the guy's money. Do you remember that?  
 20 A. Yes.  
 21 Q. And the three of you split that, right.  
 22 A. Yes.  
 23 Q. But in addition to robbing with P-Mula, you also robbed  
 24 P-Mula himself, right?  
 25 A. Yes.

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1 Q. How many times did you do that?  
 2 A. How many times did I do what?  
 3 Q. How many times did you rob P-Mula?  
 4 A. Once.  
 5 Q. One time. Okay. So tell me if I have this correct, okay?  
 6 Sam wanted to rob P-Mula, right?  
 7 A. Yes.  
 8 Q. Okay. And you knew that Crazy and Yasmil were waiting for  
 9 P-Mula by his house with guns, right?  
 10 A. Yes.  
 11 Q. So you were driving around with P-Mula in your car, right?  
 12 A. Yes.  
 13 Q. And P-Mula asked you to stop at a parking lot where he  
 14 picked up some guns, right?  
 15 A. Yes.  
 16 Q. But it wasn't because he knew that Crazy and Yasmil were  
 17 waiting for him, right?  
 18 A. No.  
 19 Q. Okay. He just wanted to stop and pick up some guns that he  
 20 had access to, right?  
 21 A. Yes.  
 22 Q. Okay. So once that happens, now you need to tell Yasmil,  
 23 your very best friend from birth because your mothers are  
 24 friends, that P-Mula is armed, right?  
 25 A. That's not my best friend from birth and our mothers don't

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1 even know each other.  
 2 Q. I'm sorry. I have him confused with Milton. Pardon me.  
 3 You called Yasmil and you say, hey, P-Mula's got some  
 4 guns, right?  
 5 A. I don't get in contact with him. I try to call him.  
 6 Q. You didn't get in contact with him?  
 7 A. I never got to speak to Crazy.  
 8 Q. I'm talking about Yasmil.  
 9 A. Yasmil and Crazy was not together. They was in two  
 10 separate vehicles. I spoke to Yasmil, not Crazy.  
 11 Q. I know. That's what I said. So you speak to Yasmil and he  
 12 leaves, right?  
 13 A. Yasmil left.  
 14 Q. Right. Because you told him P-Mula has a gun.  
 15 A. Yes.  
 16 Q. Okay. And Sam texts Crazy, right?  
 17 A. Yes.  
 18 Q. But he didn't get the message.  
 19 A. No.  
 20 Q. Okay. So you drive P-Mula home, right?  
 21 A. Yes.  
 22 Q. And he gets approached by two people with masks, right?  
 23 A. Yes.  
 24 Q. Okay. Now, P-Mula fires shots at them, right, because he's  
 25 got his gun, right?

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1 A. Yes.  
 2 Q. And he later told you that he hit one of those individuals.  
 3 Do you remember that?  
 4 A. Yes.  
 5 Q. But you knew that wasn't true, right?  
 6 A. Yes.  
 7 Q. That he didn't hit anybody at all, right?  
 8 A. Yes.  
 9 Q. Now, sometimes on the street, tell me if this is your  
 10 experience, people take credit for things that they actually  
 11 didn't do, right?  
 12 A. Yes.  
 13 Q. Okay. Just like this example, correct?  
 14 A. Yes.  
 15 Q. Okay. Now, in 2011, do you remember breaking a customer  
 16 for \$14,000 worth of fake pills with Priva and somebody else?  
 17 A. Yes.  
 18 Q. And you got arrested on that case, right?  
 19 A. No.  
 20 Q. You got arrested on that case but it was ultimately  
 21 dismissed, right?  
 22 A. No.  
 23 Q. What happened?  
 24 A. I got arrested. It was not related to that case.  
 25 Q. It wasn't related to that case?

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1 A. No.  
 2 Q. What was it related to?  
 3 A. For the kidnapping that I was with Andrew. That's the day  
 4 they arrested me. They caught me with some Percocets on me  
 5 Q. Okay. Were the Percocets from that robbery or no,  
 6 something different?  
 7 A. Personal use.  
 8 Q. Personal use. Okay.  
 9 So in 2011, you were arrested for the 2009 kidnapping  
 10 of Andrew, right? Right?  
 11 A. Yes.  
 12 Q. And you --  
 13 A. Excuse me. Excuse me. What year you said?  
 14 Q. I said in 2011 you got arrested for the 2009 kidnapping of  
 15 Andrew. Do I have that right, sir?  
 16 A. No.  
 17 Q. Tell me what I have wrong.  
 18 A. The year.  
 19 Q. Which one?  
 20 A. 2011. I didn't get arrested 2011 for the kidnapping of  
 21 Andrew. I got arrested summer of 2010 for the kidnapping of  
 22 Andrew.  
 23 Q. Okay, but you were out on bail committing these crimes that  
 24 we were talking about?  
 25 A. I was out on bail -- I never got bailed for Andrew's

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1 kidnapping. I got bailed for the burglary.  
 2 Q. But the burglary was after Andrew's kidnapping. We just  
 3 established that.  
 4 A. Yes, but I never got arrested for Andrew's kidnapping, I  
 5 wasn't a suspect until 11 months later.  
 6 Q. Okay. So let's do this a different way. You went into  
 7 custody in October of 2011, right?  
 8 A. Yes.  
 9 Q. And you were in custody until 2016, correct?  
 10 A. Yes.  
 11 Q. Okay. So during that time period, while you were in  
 12 custody, you were not committing crimes on the street, right?  
 13 A. Yes.  
 14 Q. But you are committing crimes in jail, fair to say, sir?  
 15 A. Yes.  
 16 Q. Okay. So one of the crimes that you committed while you  
 17 were in jail is you stabbed somebody in the back with an ice  
 18 pick, right?  
 19 A. Yes.  
 20 Q. Tell us why that happened.  
 21 A. He threatened me with my life.  
 22 Q. He threatened you. How did you get an ice pick?  
 23 A. I got it from somebody.  
 24 Q. You know an ice pick is contraband, right?  
 25 A. Yes.

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1 Q. You are not supposed to have it, right?  
 2 A. Yes.  
 3 Q. It's a weapon, right?  
 4 A. Yes.  
 5 Q. And in fact you used that weapon to try and kill somebody  
 6 while you were in prison, correct?  
 7 A. I didn't try to kill him.  
 8 Q. You were just stabbing him in the back with it, right?  
 9 A. I only stabbed him once.  
 10 Q. Just one time.  
 11 And that landed you in isolation, or what you call the  
 12 box, for a year, correct?  
 13 A. Yes.  
 14 Q. When was that?  
 15 A. From December of 2013 to October of 2014.  
 16 Q. But before you went into the box, you told us yesterday  
 17 that you and Milton were talking about forming something you  
 18 called 200, right?  
 19 A. Yes.  
 20 Q. And you and Milton were not in the same prison, were you ?  
 21 A. No.  
 22 Q. You told us yesterday that you were doing this by letter,  
 23 right?  
 24 A. Yes.  
 25 Q. And so were you sending letters to Milton and he was

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1 sending letters to you?  
 2 A. Through third parties in the street.  
 3 Q. Okay. And that's not allowed either, right?  
 4 A. Yeah, it is allowed in the state.  
 5 Q. Okay. But you are sending the letters through third  
 6 parties because you don't want the officials to understand that  
 7 you are setting up a gang and talking about committing more  
 8 crimes. Fair to say, sir?  
 9 A. Yes.  
 10 Q. Okay. And you also said that you did this by conference  
 11 call. What does that mean?  
 12 A. We was -- had a time to speak on the phone.  
 13 Q. So you were allowed to call Milton from your prison to  
 14 another prison, is that right?  
 15 A. No, it would be three ways.  
 16 Q. And that's not allowed, is it?  
 17 A. I'm not actually sure. It wasn't banned.  
 18 Q. So you are not sure if when you call someone that they are  
 19 not allowed to three-way you?  
 20 A. No, because there is not a thing that the phone say, that  
 21 you are not allowed to make three-way calls. At that time the  
 22 phones didn't say that.  
 23 Q. The phones didn't say that then?  
 24 A. No.  
 25 Q. How about cell phones? Were you using cell phones when you

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1 and Milton were doing this?  
 2 A. Us personally, no.  
 3 Q. "Us personally, no"? Okay.  
 4 So when you make a call from prison, right, it is  
 5 recorded. You know that, right?  
 6 A. Yes.  
 7 Q. Okay. And so then someone -- how is it working? Are you  
 8 and Milton setting it up so that you are calling at the same  
 9 time?  
 10 A. Around the same time schedule.  
 11 Q. Okay. Because you have to call out, right?  
 12 A. Yes.  
 13 Q. Someone can't call you in the prison, correct?  
 14 A. Correct.  
 15 Q. So you are purposely setting these calls up at the same  
 16 time so you can communicate with each other, right?  
 17 A. Yes.  
 18 Q. And the purpose of your communication was so that you  
 19 could, as you said yesterday, take over the block, right?  
 20 A. And other purposes, too.  
 21 Q. One of the purposes was to take over the block, right?  
 22 A. Yeah. We spoke a couple of times, but we had other  
 23 purposes to speak on, too.  
 24 Q. Let's just talk about that purpose for right now. Okay?  
 25 Who were you taking the block over from?

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1 A. We weren't taking the block over from nobody. We were just  
 2 taking the hood over.  
 3 Q. So you, while you are in jail in your early twenties, are  
 4 deciding that you are going to go home and commit a whole bunch  
 5 of new crimes, right?  
 6 A. Yes.  
 7 Q. Okay. You are going to form a gang, right?  
 8 A. Yes.  
 9 Q. That's your testimony if we believe it, right?  
 10 A. Yes.  
 11 Q. Okay. And you are just going to take over the neighborhood  
 12 and terrorize the people that live in it, right?  
 13 A. No.  
 14 Q. That's what you did according to your testimony, right?  
 15 A. We wasn't terrorizing innocent victims that just lived in  
 16 the neighborhood.  
 17 Q. Okay. Well you committed home invasions, right?  
 18 A. Drug dealers.  
 19 Q. No, you committed home invasions that were supposed to be  
 20 of drug dealers, right?  
 21 A. Every home invasion I committed was somebody that was a  
 22 drug dealer.  
 23 Q. Supposed to be a drug dealer, but that wasn't only the  
 24 case, right?  
 25 A. Only one time than wasn't the case.

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1 Q. Drug dealers are people, are they not?  
 2 A. Yes.  
 3 Q. You are a drug dealer, aren't you?  
 4 A. Sometimes.  
 5 Q. Sometimes. Okay.  
 6 How would you like it if somebody broke into your  
 7 house, pistol whipped you, suffocated you under water, and put  
 8 a hot iron to your face? It wouldn't be very pleasant, would  
 9 it, sir?  
 10 A. No.  
 11 Q. So you can't justify it by saying, well, they were just  
 12 drug dealers, can you?  
 13 A. No.  
 14 Q. In 2016, you were released from prison, correct?  
 15 A. Yes.  
 16 Q. Who picked you up from prison?  
 17 A. Milton and Antoine Cousins.  
 18 Q. So Milton picks you up and you are right back to committing  
 19 crimes, correct?  
 20 A. Yes.  
 21 Q. Okay. So in September of 2016, one of your first crimes  
 22 was of ten kilograms -- involved ten kilograms of heroin,  
 23 correct?  
 24 A. Yes.  
 25 Q. Tell us what happened.

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1 A. Broke into an apartment on University. There was nobody  
 2 there. We found ten kilograms of heroin.  
 3 Q. Okay. So who pumped the door?  
 4 A. Yasmil.  
 5 Q. What does that mean?  
 6 A. Pump, we broke into the apartment.  
 7 Q. So is there a special tool, when you say pump? What is it?  
 8 A. It's what the fire department and the police use when there  
 9 is a fire and they can't get in or when the police is doing a  
 10 raid.  
 11 Q. So where did you get that tool from?  
 12 A. I don't know. We had it already.  
 13 Q. And that is a tool that can knock down pretty much any  
 14 door, right?  
 15 A. Yes.  
 16 Q. It doesn't say -- it doesn't not work if it's not a drug  
 17 dealer's, right?  
 18 A. Come again?  
 19 Q. In other words, that tool works on any apartment door, not  
 20 just the door of a drug dealer, right?  
 21 A. Yes.  
 22 Q. Do you know if that tool is illegal for you to have?  
 23 A. Yes, it is.  
 24 Q. One of the tools of your trade, right?  
 25 A. Yes.

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1 Q. Okay. So you stole ten kilograms of heroin. We haven't  
 2 talked about heroin yet. How much did you sell that for?  
 3 That's a lot, right?  
 4 A. About \$45,000.  
 5 Q. That's it, ten kilograms of heroin only sold for \$45,000 or  
 6 was it \$45,000 per kilogram?  
 7 A. Everybody took their split shares.  
 8 Q. So you got \$45,000?  
 9 A. Yes.  
 10 Q. There was no money in the apartment, right?  
 11 A. No.  
 12 Q. But there was about 8,000 in fake roxies?  
 13 A. Yes.  
 14 Q. What time of day did you do this?  
 15 A. Nighttime.  
 16 Q. Nighttime. And it was an apartment, right?  
 17 A. Yes.  
 18 Q. You said there was nobody there, but going in, you had no  
 19 idea who was going to be in that apartment, did you?  
 20 A. We knew there was nobody there.  
 21 Q. How did you know there was no one there?  
 22 A. Because somebody had gave they just had a robbery.  
 23 Q. But you were wrong on other occasions when you thought  
 24 there wasn't going to be anyone there, right?  
 25 A. No.

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1 Q. Never?  
 2 A. Never.  
 3 Q. Okay.  
 4 Do you know about something called the Yogee (ph)  
 5 Pharmacy?  
 6 A. I don't remember.  
 7 Q. You don't remember?  
 8 A. No.  
 9 Q. Okay. Did you go to a pharmacy in fall of 2016, it's on  
 10 University and Burnside? Do you remember that?  
 11 A. When you said.  
 12 Q. University and Burnside?  
 13 A. No. What year did you just say?  
 14 Q. I'm sorry, 2016. Right when you get home from jail.  
 15 A. Yes.  
 16 Q. Do you remember this now?  
 17 A. I remember -- I did a lot of pharmacies, so you got to keep  
 18 telling me. I don't recall.  
 19 Q. This particular pharmacy you robbed a couple of times. Do  
 20 you remember that now?  
 21 A. Yes.  
 22 Q. Okay. And so this is -- I think I'm pronouncing it  
 23 correctly, the Yogee (ph) Pharmacy. Is it ringing a bell for  
 24 you, sir?  
 25 A. I don't know the name of it, but I know what pharmacy you

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1 are speaking of.  
 2 Q. Okay. And this is a pharmacy that you robbed on three  
 3 separate occasions, right?  
 4 A. Yes.  
 5 Q. And some of the players that you robbed it with would be  
 6 Milton, right?  
 7 A. Yes.  
 8 Q. Priva?  
 9 A. Yes.  
 10 Q. Okay. Now during the course of these pharmacy robberies,  
 11 everybody's got a role, right?  
 12 A. Yes.  
 13 Q. Do you remember what your role was in this?  
 14 A. Open the door.  
 15 Q. You opened the door?  
 16 A. Yes.  
 17 Q. And you left with Percocets, lean, roxies, prescription  
 18 pills, and \$9,000 each, right? At least on one of the  
 19 occasions that you --  
 20 A. Yes.  
 21 Q. Okay. And later, if you remember, you had a falling out  
 22 with Lefty over the Percocets. Do you remember that?  
 23 A. Yes.  
 24 Q. And you pulled out a gun on Lefty, right?  
 25 A. Yes.

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1 Q. What was the falling out about?  
 2 A. He owed me money.  
 3 Q. He owed you money for this transaction?  
 4 A. Yes.  
 5 Q. And you pulled out a gun on him and you took his car,  
 6 right?  
 7 A. Yes.  
 8 Q. And you made Boy drive Lefty's BMW to another burglary,  
 9 right? Do you remember that?  
 10 A. Yes.  
 11 Q. Where was that burglary?  
 12 A. I don't recall. I did a lot of burglaries.  
 13 Q. Was it a supermarket, maybe?  
 14 A. Yes.  
 15 Q. What time of day was the supermarket?  
 16 A. All my burglaries are at nighttime.  
 17 Q. All of them are at nighttime. Okay.  
 18 Do you remember doing a club near the Salt & Pepper,  
 19 nearly Club Salt & Pepper, a lounge near Club Salt & Pepper in  
 20 October of 2016?  
 21 A. I don't recall.  
 22 Q. It's called something like Abulia or Abulita (ph), does  
 23 that ring a bell?  
 24 A. Yeah, I think so.  
 25 Q. And that was with you, Pony, Juri, Damian and Milton,

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1 right?  
 2 A. Yes.  
 3 Q. And during the course of this robbery, right, Damian and  
 4 Juri told you that Pony had stashed some money on them, right?  
 5 A. Yes.  
 6 Q. So what happened in this robbery? You all go in together  
 7 as a team, right?  
 8 A. Yes.  
 9 Q. And you are supposed to split the money that you get,  
 10 right?  
 11 A. Yes.  
 12 Q. But one of you is stealing from the robbers, correct?  
 13 A. Yes.  
 14 Q. Who was the stealer in this case?  
 15 A. Pony.  
 16 Q. Pony. And then what Pony does is he posts pictures of  
 17 himself on social media with the money that he's just stolen  
 18 from you, right?  
 19 A. Yes.  
 20 Q. And so you retaliate by slapping him around for this,  
 21 correct?  
 22 A. Yes.  
 23 Q. Did he ever give you the money that he owed you?  
 24 A. No.  
 25 Q. And you did a couple of other robberies with him, right,

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1 with Pony, that is?  
 2 A. After that, no.  
 3 Q. No? Did you do a couple of robberies before this with him?  
 4 A. Like one or two.  
 5 Q. Okay. Do you remember robbing a cashier place with Yasnil,  
 6 CY and Milton and Priva?  
 7 A. Yes.  
 8 Q. You went in through the bathroom window?  
 9 A. Yes.  
 10 Q. So what happened there?  
 11 A. We went in through the bathroom window and we robbed the  
 12 check cashing place.  
 13 Q. And you got away with \$9,000?  
 14 A. I don't remember how much.  
 15 Q. Okay. You got money from it, right?  
 16 A. Yeah.  
 17 Q. Got pulled over by the cops?  
 18 A. Yes.  
 19 Q. And you had dust all over you because you had just broken  
 20 through a wall?  
 21 A. Yes.  
 22 Q. But because there had been no alarm for a burglary, you  
 23 ended up getting away, right?  
 24 A. Yes.  
 25 Q. Okay. How about, and we are still in the fall of 2016, so

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you just got home, a Chinese restaurant? Do you remember that, with Priva and Milton?

A. Yes.

Q. Milton had a scanner, right?

A. Yes.

Q. And oftentimes during these robberies or burglaries, you would have a scanner so that you would know if the police were coming, correct?

A. Yes.

Q. So you break into this Chinese restaurant, right, but it there wasn't -- and, what, you ended up breaking into the stores downstairs as well, a T-Mobile and a barbershop and a law firm?

A. I broke into the Chinese restaurant so I could break into the T-Mobile and the law firm store.

Q. Say that again. I'm sorry. I didn't understand what you said.

A. I broke into the Chinese restaurant so I could break the wall to go into the T-Mobile and law firm store.

Q. Okay. So your purpose wasn't to break into the Chinese restaurant. You were just using that so you could get to the other stores, right?

A. Yes.

Q. Okay. So I think you might have testified to this yesterday, that sometimes you would break into one

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establishment, break down the wall to get to where you really wanted to go, right?

A. You never asked me yesterday, but that's correct.

Q. Well, I'm asking you now. Is that right?

A. Yes.

Q. Okay. And that would be just because sometimes it was easier to get into one commercial establishment rather than the other, right?

A. Yes.

Q. So if you wanted to rob a pharmacy and you saw that they had multiple locks, maybe one of those screens that comes down, it's easier to rob -- to go into the guy nextdoor and just break down the wall so you can get to the pharmacy, right?

A. Yes.

Q. Sometimes when you would do these robberies, like the cell store on Dyckman or the lounge near the pharmacy in the Bronx, you would get away with nothing, right?

A. Yes.

Q. They weren't always successful, right?

A. Yes.

Q. How about the Riverdale Café? Do you remember that?

A. Yes.

Q. What happened there?

A. I broke into it and took a safe.

Q. Okay. You broke into that with Milton, right?

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A. Yes.

Q. Shorty Prestige?

A. Yes.

Q. Who was Shorty Prestige?

A. My girlfriend at the time.

Q. Your girlfriend at the time. And somebody named Glenn, right?

A. No, it was just Milton, Shorty Prestige, and that's it.

Q. Glenn wasn't in the car?

A. Not in the car with us.

Q. Well, was he there?

A. Yeah, he was in the area, but you said who I broke in with. I'm telling you who I broke in with.

Q. I'm just asking you who is involved in this particular burglary. Glenn's there, right?

A. Yes.

Q. Okay. He is in a car acting as a lookout, right?

A. Yes.

Q. Shorty Prestige, your girlfriend, is across the street at a Starbucks, right?

A. Yes.

Q. And you go in to the Riverdale Café, correct?

A. Yes.

Q. Who do you go in with?

A. With Milton.

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Q. So you and Milton break in and you take the safe, right?

A. Yes.

Q. And then you crack that safe open on the Major Deegan Expressway, right?

A. Yes.

Q. How much money did you get out of that?

A. I don't recall.

Q. \$9,000 sound about right, sir?

A. Probably. I don't remember.

Q. Well, you remember getting money from it, right?

A. I got money from a lot of robberies. The actual number I don't remember.

Q. I know you got a lot of money from a lot of robberies. How about Club Academy. Do you remember that?

A. Which one?

Q. Okay. This is before the Silhouette. We are going to talk about the Silhouette in a minute, but this one is before Silhouette. So it is you, Damian, Priva, CY was the lookout, Milton was driving. You got in through the back door with a crowbar. Remember this? There was a pharmacy nextdoor, and it was your plan to break through the walls to get bottles of lean, right?

A. Yes.

Q. Okay. And then it came over the scanner, right?

A. Come again?

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1 Q. It came over the scanner that it was being broken into,  
 2 right?  
 3 A. Yes.  
 4 Q. So you grabbed the bottles of lean and left, right?  
 5 A. I never made it to the pharmacy.  
 6 Q. You never made it into the pharmacy? You didn't tell the  
 7 government that you grabbed the bottles of lean and left with  
 8 no money, that you sold the lean to a *bodega* and you each got  
 9 \$500?  
 10 A. No. I took the bottles of liquor from the club. That's  
 11 what I told the government.  
 12 Q. Okay. And you sold that to a *bodega*?  
 13 A. Yes.  
 14 Q. Okay. Let's talk about November of 2016. We are still  
 15 only two months that you are home when you did the Silhouette  
 16 robbery. Do you remember that?  
 17 A. Yes.  
 18 Q. Okay. So this is Damian, Priva, Milton, you, and Brian as  
 19 the lookout, correct?  
 20 A. Yes.  
 21 Q. And Brian's your little cousin, right?  
 22 A. Yes.  
 23 Q. Now, you went out that -- that night to commit robberies,  
 24 right?  
 25 A. To commit a burglary.

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1 Q. A burglary. Pardon me. You went out to commit a burglary.  
 2 And first you were going to do an Irish bar, right?  
 3 A. Say it again.  
 4 Q. Your first intent, the first place you thought you were  
 5 going to burglarize was an Irish bar, but someone saw you,  
 6 right?  
 7 A. Yes.  
 8 Q. And then there was a second place. Do you remember that?  
 9 A. Yes.  
 10 Q. But didn't you do that place either. Do you remember what  
 11 that place was?  
 12 A. Like a mini club.  
 13 Q. But at 4:00 in the morning, as you are driving around  
 14 looking for a place to burglarize, you settle on the  
 15 Silhouette, correct?  
 16 A. Yes.  
 17 Q. Okay. So in this instance, you have the scanner, right?  
 18 A. Yes.  
 19 Q. Damian put in the wrong code, right?  
 20 A. Yes.  
 21 Q. So you go through the back door of the building, and you  
 22 use a crowbar to break some sheetrock and you find a safe,  
 23 right?  
 24 A. Come again?  
 25 Q. You used a crowbar during the course of this and you found

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1 a safe, correct?  
 2 A. Yes.  
 3 Q. Okay. Now, during a lot of these burglaries, you are on  
 4 the phone with whoever is acting as the lookout, right? That's  
 5 important.  
 6 A. Yes.  
 7 Q. Okay. And in this particular case, Milton was the lookout,  
 8 right?  
 9 A. The driver.  
 10 Q. Well, were you on the phone with him?  
 11 A. I was on the phone with everybody.  
 12 Q. Okay.  
 13 And he is outside, right?  
 14 A. Yes.  
 15 Q. And he says to you, there is cops everywhere, right?  
 16 A. Yes.  
 17 Q. Okay. And do you get arrested on this?  
 18 A. Yes. I got caught inside Silhouette.  
 19 Q. And you get caught but you get released, right?  
 20 A. Yes.  
 21 Q. Okay. And as soon as you get released, you continue this  
 22 burglary spree, correct?  
 23 A. Yes.  
 24 Q. And while you are out on bail, you are on supervised  
 25 release, correct?

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1 A. When?  
 2 Q. So you get arrested for the Silhouette, right?  
 3 A. Yes.  
 4 Q. And you got bail, right?  
 5 A. No.  
 6 Q. Well, you weren't remanded, were you?  
 7 A. They didn't give me bail neither. They gave me R&R [sic].  
 8 Q. You were released on your own recognizance?  
 9 A. Yes.  
 10 Q. We talked about other times where you were released on  
 11 bail, right?  
 12 A. One other time.  
 13 Q. Okay. And during that period of time, you had to report to  
 14 someone, correct?  
 15 A. For the bail, no.  
 16 Q. You never reported to anybody while you were out? No  
 17 parole officer, supervised release, anything like that?  
 18 A. I reported -- when I caught the kidnapping for Andrew, I  
 19 reported to a parole on caught cases; and for that burglary, I  
 20 was reporting to a program in the Bronx that they was going to  
 21 give me a drug program.  
 22 Q. Okay. And when you were reporting to these people, you  
 23 were telling them that you weren't committing any crimes,  
 24 right?  
 25 A. They never asked me.

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1 Q. They never asked you if you were committing crimes.  
 2 A. No.  
 3 Q. Okay. Well, certainly you knew it was part of your release  
 4 that you weren't supposed to be committing crimes, right?  
 5 A. Yes.  
 6 Q. In fact, that's just, in general, what you know. It's a  
 7 crime and you are not supposed to be doing it. Fair to say?  
 8 A. Yes.  
 9 Q. But it doesn't seem to deter you at all, sir, does it?  
 10 A. Come again?  
 11 Q. The fact that it is a crime to do these things doesn't  
 12 deter you in the least, does it?  
 13 A. I don't know what "deter" means.  
 14 Q. It doesn't stop you from doing it.  
 15 A. No.  
 16 Q. How about the pharmacy in the Bronx after the Silhouette  
 17 that you did with Milton, Shorty Prestige, and her sister  
 18 Flaca? Do you remember that?  
 19 A. Yes.  
 20 Q. The girls were in the car?  
 21 A. Yes.  
 22 Q. You and Milton went in?  
 23 A. Yes.  
 24 Q. You got in through a window on the roof, is that right?  
 25 A. Yes.

1 Q. There was a gate blocking the pill area so you broke a hole  
 2 in the wall, right?  
 3 A. Yes.  
 4 Q. It came over the scanner, so you left, right?  
 5 A. Yes.  
 6 Q. Cops came in, didn't see anything, right?  
 7 A. Yes.  
 8 Q. You were still in the area; you don't run away, right?  
 9 A. Yes.  
 10 Q. And when you see the cops leave, you actually go back in  
 11 with Milton, right?  
 12 A. Yes.  
 13 Q. Did you get anything from that?  
 14 A. No.  
 15 Q. Now, you testified that Shorty Prestige was your girlfriend  
 16 at the time, right?  
 17 A. Yes.  
 18 Q. During the course of your incarceration in this case, did  
 19 you ask if you could marry her?  
 20 A. No.  
 21 Q. No, you didn't?  
 22 A. No.  
 23 Q. Well -- what?  
 24 THE COURT: The answer is no.  
 25 A. No.

1 THE COURT: Next question.  
 2 Q. Well, did you request to have contact visits with her while  
 3 you were in custody?  
 4 A. Yes.  
 5 Q. Did she get the paperwork so that you could get married?  
 6 A. No.  
 7 Q. You testified yesterday about a chain robbery in 2006 that  
 8 you did with CY. Do you remember that?  
 9 A. 2000-what?  
 10 Q. November of 2016. This is when you are shooting out the  
 11 back window of the car.  
 12 A. Yes.  
 13 Q. So what happened there?  
 14 A. We robbed the guy for his chain.  
 15 Q. You see this guy, right, correct, sir?  
 16 A. Yes.  
 17 Q. You and CY, correct?  
 18 A. Yes.  
 19 Q. You are going to approach him with guns, correct?  
 20 A. Yes.  
 21 Q. Okay. And you are going to forcibly steal his chain from  
 22 him, correct?  
 23 A. Yes.  
 24 Q. And in fact you do that, right?  
 25 A. Yes.

1 Q. Then some -- you recognize that someone is chasing you or  
 2 following you, right?  
 3 A. The guy was chasing us.  
 4 Q. Okay. And so who was in the car with you? CY?  
 5 A. CY, Priva, myself, and Boy.  
 6 Q. Who is driving the car?  
 7 A. Boy was.  
 8 Q. Okay. And so do you start shooting down a New York City  
 9 street at the people who were chasing you?  
 10 A. Yes.  
 11 Q. Let's talk about an individual name Skrilla?  
 12 A. Yes.  
 13 Q. Do you remember him?  
 14 A. Yes.  
 15 Q. What happened with Skrilla in Thanksgiving of 2016?  
 16 A. We jumped him inside of a club.  
 17 Q. Why?  
 18 A. Because I was sleeping with his girlfriend.  
 19 Q. Because what?  
 20 A. I was sleeping with his girlfriend.  
 21 Q. You were sleeping with Skrilla's girlfriend so you jumped  
 22 Skrilla?  
 23 A. Yeah. They had an ongoing altercation, and she asked me to  
 24 do something, so we jumped him outside of the club.  
 25 Q. What was her name?



1 A. Lucy.  
 2 Q. Lucy. And in fact did Lucy set Skrilla up?  
 3 A. No. Skrilla happened to show up at the same club that we  
 4 was at.  
 5 Q. And so you are sleeping with Lucy and you decide that you  
 6 are going to jump Skrilla at the club?  
 7 A. Skrilla already had problems going on with Milton, a couple  
 8 other people.  
 9 Q. Okay. But you just testified that you were sleeping with  
 10 his girlfriend, right?  
 11 A. I was.  
 12 Q. Okay. All right. So what happens to Skrilla?  
 13 A. We jumped him, stripped him of his jewelry, and he got cut.  
 14 Q. Well, Lefty and Priva cut him on the top of his head with  
 15 scalpels, right?  
 16 A. Yes.  
 17 Q. It wasn't just that he had some minor injury. They were  
 18 cutting the top of his head and he was bleeding profusely,  
 19 correct?  
 20 A. I don't know. I didn't see no blood at the time.  
 21 Q. You didn't see any blood, but they are using scalpels to  
 22 cut his head open, right?  
 23 A. I didn't even know he was cut until the next day.  
 24 Q. But you are there, sir, are you not?  
 25 A. Yeah, but we was beating him. I wasn't watching them cut

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1 him.  
 2 Q. So how many people were beating this one individual?  
 3 A. A couple of us.  
 4 Q. Okay. So it's one body, a couple of you are beating him,  
 5 and at least two of you are cutting his head, correct?  
 6 A. Yes.  
 7 Q. And you steal his watch, right?  
 8 A. Yes.  
 9 Q. A \$7,000 Rolex, correct?  
 10 A. I don't know how much it cost.  
 11 Q. Okay. But you told the government you got \$7,000 for the  
 12 Rolex, \$4800 for his bracelet, and \$9,000 for his chain. Do  
 13 you remember that?  
 14 A. I don't remember how much I got for the chain, and I pawned  
 15 the jewelry. That's what they gave me for the pawn.  
 16 Q. That's what they gave you because you took his jewelry and  
 17 pawned, and then you split it up with the people who viciously  
 18 beat him, correct?  
 19 A. I didn't split the money up with nobody.  
 20 Q. You kept it yourself?  
 21 A. Yeah, I only gave Lefty some money, and that's it.  
 22 Q. Okay. And isn't it a fact, sir, that at one point or  
 23 another you found out that Mr. Pabon was sleeping with your  
 24 girlfriend, Shorty Prestige?  
 25 A. No.

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1 Q. No, you never learned that?  
 2 A. No.  
 3 Q. Do you remember in -- we are moving on to 2017, a burglary  
 4 in a place called Made in Puerto Rico?  
 5 A. Yes.  
 6 Q. Who was involved in that?  
 7 A. Me, Shorty Prestige, I think Glenn, a kid name Ba chaco  
 8 (ph).  
 9 Q. And during the course of this, it came over the scanner,  
 10 right?  
 11 A. Yes.  
 12 Q. And there is a high-speed chase that ensues with the police  
 13 officers that respond, right?  
 14 A. Yes.  
 15 Q. And did you later learn that those police officers almost  
 16 lost their lives?  
 17 A. Yes.  
 18 Q. Do you remember, sir, a situation in February/March of 2017  
 19 where you, Milton, and P-Mula were supposed to break Milton's  
 20 customer, but you and Milton did it alone in Florida at  
 21 P-Mula's insistence?  
 22 A. Come again?  
 23 Q. I'm sorry. You and Milton did it alone. Do you remember  
 24 that?  
 25 A. Come again?

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1 Q. Yeah, give me one second. I'm sorry.  
 2 (Pause)  
 3 Q. Milton and P-Mula were supposed to break one of -- I'm  
 4 sorry, Judge. Just give me one minute. I have my notes  
 5 confused.  
 6 (Continued on next page)

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1 BY MS. MACEDONIO:  
 2 Q. There's a dispute over drugs, where you and Crazy rob  
 3 P-Mula. You saw him getting out of a cab, chased him into a  
 4 building, you had masks on, and you tasered him. Do you  
 5 remember that?  
 6 A. Yes.  
 7 Q. And then you took his chain, right?  
 8 A. Yes.  
 9 Q. And you got \$9,000 for his chain, correct?  
 10 A. I don't remember how much I got.  
 11 Q. OK. You got money for his chain. This is somebody you  
 12 were committing crimes with, and yet, once again, you're  
 13 robbing that person, correct?  
 14 A. Yes. There was a reason why we robbed him.  
 15 Q. It doesn't matter, sir.  
 16 In March or April of 2017, do you remember doing a  
 17 home invasion on Dyckman? This is when Yasmil's hand got  
 18 stuck.  
 19 A. Come again?  
 20 Q. Do you remember doing a home invasion on Dyckman when  
 21 somebody's hand got stuck with a pump?  
 22 A. Yes.  
 23 Q. Who was there?  
 24 A. Milton, Yasmil, and me.  
 25 Q. OK. And during the course of this, there was actually

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1 someone in the apartment, right?  
 2 A. Yes.  
 3 Q. Someone started yelling?  
 4 A. Yes.  
 5 Q. What happened to that person?  
 6 A. Nothing. We left.  
 7 Q. You just left?  
 8 A. Yes.  
 9 Q. How about another home invasion, where you climb on -- this  
 10 is with June, Ed, Yeyo, Marcos, and Boy. Do you remember that?  
 11 A. Yes.  
 12 Q. You climbed on someone's shoulders to get in?  
 13 A. Yes.  
 14 Q. And there's someone in this apartment, right?  
 15 A. Yes.  
 16 Q. And you put a pillowcase over the victim's head, and you  
 17 start beating them?  
 18 A. Yes.  
 19 Q. And you leave there with 23 pounds of weed, right ?  
 20 A. Yes.  
 21 Q. There's also a robbery of an auto body shop, where you put  
 22 a BB gun to the owner's head, trashed the place and took a safe  
 23 and got a total of \$30,000, correct?  
 24 A. Yes.  
 25 Q. There's a home invasion in New Jersey, where there's an

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1 individual who's there, Hispanic man. Do you remember that ?  
 2 A. Yes.  
 3 Q. Man just rented a room in the house, right?  
 4 A. I don't know.  
 5 Q. OK. Well, he's there, right?  
 6 A. Yes.  
 7 Q. Comes downstairs, right?  
 8 A. Yes.  
 9 Q. What do you do to him?  
 10 A. Tied him up.  
 11 Q. You put a mattress on top of him?  
 12 A. Yes.  
 13 Q. Did you leave there with anything?  
 14 A. I don't remember.  
 15 Q. You don't remember.  
 16 You testified that you -- during the course of home  
 17 invasions you put a hot iron on somebody's face. How many  
 18 times did you do that?  
 19 A. I never said on their face.  
 20 Q. Where?  
 21 A. On their body.  
 22 Q. On her body? Where?  
 23 A. On their body.  
 24 Q. Where?  
 25 A. Stomach, the legs.

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1 Q. How many times -- how many people did you do that to?  
 2 A. Like, three, four people.  
 3 Q. OK. So these are home invasions that we didn't even talk  
 4 about, right?  
 5 A. I spoke about them with the government.  
 6 Q. OK. But I haven't asked you questions about those specific  
 7 home invasions, correct?  
 8 A. Correct.  
 9 Q. And then you also said you tried to suffocate people under  
 10 water, correct?  
 11 A. On one occasion.  
 12 Q. Just one occasion you did that?  
 13 A. Yes.  
 14 Q. Were you present when other people tried to do that ?  
 15 A. I don't think so.  
 16 Q. You beat several people during home invasions, right?  
 17 A. Yes.  
 18 Q. You tasered people?  
 19 A. Once.  
 20 Q. Once?  
 21 Did you burn people with cigarettes?  
 22 A. Never.  
 23 Q. Never?  
 24 did you ever pistol-whip anybody?  
 25 A. Yes.

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- 1 Q. How many times did you do that?
- 2 A. Once.
- 3 Q. Just one time?
- 4 A. Yes.
- 5 Q. Just one time during the course of a home invasion?
- 6 A. I don't think it was in a -- I don't remember where it was
- 7 at.
- 8 Q. OK. You testified that you and Lefty and a guy named Chapa
- 9 kidnapped a guy named Miguel, right?
- 10 A. Yes.
- 11 Q. So this ultimately becomes the reason why you get arrested
- 12 federally, right?
- 13 A. Yes.
- 14 Q. OK. And did you later learn that Miguel was a cooperating
- 15 witness with the United States government?
- 16 A. Yes.
- 17 Q. OK. And Miguel had told you that there were going to be
- 18 some vans in which there were going to be 50 kilograms of
- 19 cocaine, right?
- 20 A. Yes.
- 21 Q. But it wasn't your cocaine, was it?
- 22 A. No.
- 23 Q. And it wasn't Miguel's cocaine, right?
- 24 A. No.
- 25 Q. OK. It was somebody else's, right?

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- 1 A. Yes.
- 2 Q. Whose cocaine did you understand it to be?
- 3 A. Some drug dealer's from Dyckman.
- 4 Q. OK. But Miguel, the cooperating witness, tells you that
- 5 it's there with the intent that you're going to steal it,
- 6 correct?
- 7 A. Yes.
- 8 Q. That was your understanding at the time, right ?
- 9 A. Yes.
- 10 Q. And then when you actually go to steal it, you realize
- 11 there's nothing there, right?
- 12 A. The drugs are already been stolen.
- 13 Q. The drugs had already been stolen, but you and Lefty and
- 14 this guy Chapa steal the vans anyway, just to make sure,
- 15 correct?
- 16 A. It was just the one van.
- 17 Q. Just one van.
- 18 And you want to make sure there's nothing in there; you're
- 19 not missing anything, fair to say?
- 20 A. Yes.
- 21 Q. So you at this point think that Miguel has double-crossed
- 22 you, right?
- 23 A. Yes.
- 24 Q. So you pick him up and you kidnap him, right?
- 25 A. He picked us up, but yes, we kidnapped him.

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- 1 Q. All right. But you knew you were going to kidnap him,
- 2 right?
- 3 A. At the time, no.
- 4 Q. Well, you were certainly going to confront him with regard
- 5 to the 50 kilograms of cocaine that was missing, right?
- 6 A. Yes.
- 7 Q. And in fact, you did kidnap him, right?
- 8 A. Yes.
- 9 Q. And he somehow ends up in the back of his own car?
- 10 A. Yes.
- 11 Q. What kind of car was that?
- 12 A. Mercedes-Benz E350.
- 13 Q. And who is driving the car now at this point, now that he's
- 14 in the back?
- 15 A. Lefty.
- 16 Q. Lefty's driving the car; you're in the back seat with
- 17 Miguel, correct?
- 18 A. Yes.
- 19 Q. And Chapa, right?
- 20 A. Yes.
- 21 Q. And you're viciously beating him, correct?
- 22 A. Yes.
- 23 Q. And this goes on for some time, right?
- 24 A. Couple minutes.
- 25 Q. Well, you drove from the Bronx to Manhattan, correct?

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- 1 A. He wasn't kidnapped yet.
- 2 Q. Well, what was he?
- 3 A. He was driving his own car at that time.
- 4 Q. OK. And what happened?
- 5 A. We went to Dyckman, and that's when we kidnapped him.
- 6 Q. OK.
- 7 A. We drove from Dyckman on the highway and everything
- 8 occurred on the highway.
- 9 Q. OK. And you knew at some point that Lefty had stopped at a
- 10 gas station to get a gun, right?
- 11 A. Come again?
- 12 Q. That you knew at some point during the course of this
- 13 transaction, Lefty had stopped to get a gun, right?
- 14 A. Yes.
- 15 Q. OK. And during the course of your couple minutes when
- 16 you're beating Miguel in the back of his own car, Lefty shoots
- 17 that gun in the car twice, right?
- 18 A. Yes.
- 19 Q. And ultimately, you can't get the information that you want
- 20 out of Miguel, right?
- 21 A. Yes.
- 22 Q. And so now the shirtless Miguel is thrown from the car on
- 23 to the highway as you're traveling 60 miles per hour, correct?
- 24 A. Yes.
- 25 Q. Was it your intention to kill him?

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1 A. No.  
 2 Q. No, you didn't think that throwing the man out of the car,  
 3 a moving car going 60 miles an hour, could kill him?  
 4 A. I wasn't thinking of that.  
 5 Q. Wasn't thinking at all.  
 6 So that happened on August 3 of 2017, and on August 5,  
 7 just a few days later, you did the 99 cent robbery with Lefty,  
 8 right?  
 9 A. Yes.  
 10 Q. Tell us what happens there.  
 11 A. We fronted the guy for a couple 99 cent stores , and then we  
 12 blocked the highway off and I took him out the car and took his  
 13 car from him.  
 14 Q. OK. So you had gotten a tip from someone, right ?  
 15 A. Yes.  
 16 Q. Who was that?  
 17 A. Some other guy from the neighborhood.  
 18 Q. What was his name?  
 19 A. Guyo, something like that.  
 20 Q. OK. And he tells you, hey, this van comes around and  
 21 collects money from all the 99 cent stores, right?  
 22 A. Yes.  
 23 Q. And you follow the van for a period of time, right ?  
 24 A. Yes.  
 25 Q. And then ultimately, you block the van off on the FDR

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1 service road, right?  
 2 A. Yes.  
 3 Q. Right?  
 4 And then you physically remove the driver from the car,  
 5 right?  
 6 A. Yes.  
 7 Q. And his passenger gets out of the car, correct?  
 8 A. Yes.  
 9 Q. And you take off with the van, right?  
 10 A. Yes.  
 11 Q. And this is, again, just a few days after you had kidnapped  
 12 poor Miguel and threw him out on the highway, right ?  
 13 A. Yes.  
 14 Q. And you and Lefty split \$78,000 from that robbery, correct?  
 15 A. I think so.  
 16 Q. And then, shortly thereafter, Lefty posts pictures on  
 17 Instagram with him and all the money in his car. Do you  
 18 remember that?  
 19 A. I don't know.  
 20 Q. No?  
 21 A. I don't think -- I don't remember.  
 22 Q. When were you arrested in this case, sir?  
 23 A. Sometime in August.  
 24 Q. Would August 24 sound right?  
 25 A. Probably. I don't remember the exact date.

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1 Q. I'm sorry?  
 2 A. Probably. I don't remember the exact date.  
 3 Q. OK. Do you remember on August 22, just two days before  
 4 your arrest, you did the burglary of Flor de Mayo?  
 5 A. It was unsuccessful. I never got to burglarize it.  
 6 Q. Oh, you didn't get to burglarize it. OK.  
 7 How about the day before you got arrested, you went to  
 8 Baltimore to break somebody ; do you remember that ?  
 9 A. No.  
 10 Q. You don't remember that?  
 11 A. No.  
 12 Q. You testified on direct examination that you were pimping  
 13 people. Do you remember that?  
 14 A. I didn't say I was pimping.  
 15 Q. Well, it was part of your cooperation agreement that that  
 16 was something that you had to acknowledge, right ?  
 17 A. Because I knew it was taking place, but I wasn't the actual  
 18 pimp. I wasn't pimping anybody.  
 19 Q. That was your girlfriend, right?  
 20 A. Yes.  
 21 Q. And you were driving your girlfriend and a 14-year-old girl  
 22 to hotels so that she could have sex with men. Do you remember  
 23 that now, sir?  
 24 A. I didn't know how old the girl, and yeah, I was driving  
 25 them to hotels and dropping them off.

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1 Q. Did you later learn that she was 14 years old?  
 2 A. Later on, yeah.  
 3 Q. Yesterday you testified that you've known Mr. Pabon for 15  
 4 years. Do you remember that?  
 5 A. Yes, I know him a little over 15 years.  
 6 Q. Sorry?  
 7 A. Yes. I say I know him a little over 15 years.  
 8 Q. But you really just knew of him, right? I mean you're  
 9 older than he is, aren't you?  
 10 A. Yes.  
 11 Q. And you were in custody for a significant period of time,  
 12 right?  
 13 A. I knew him before I was in custody.  
 14 Q. OK. He was a kid, correct?  
 15 A. We were all kids.  
 16 Q. OK. But he's younger than you, right?  
 17 A. By a year or two.  
 18 MS. MACEDONIO: Can we bring up 3503-68, please .  
 19 Q. Do you recognize that document, sir?  
 20 A. Can you put it bigger?  
 21 THE COURT: It's either yes or no, sir. You either  
 22 recognize it or you don't. Take a look at it.  
 23 It dropped off the screen.  
 24 There we are. Can you expand a little bit?  
 25 MS. MACEDONIO: Your Honor, would it be helpful if I

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1 handed it up? It's a multipage document.

2 THE COURT: Sir, do you think it would be helpful if  
3 she handed you the document?

4 THE WITNESS: I think it's my cooperation agreement.

5 MS. MACEDONIO: Yeah, it's the cooperation agreement.

6 THE COURT: What's the question?

7 BY MS. MACEDONIO:

8 Q. Did you sign this agreement?

9 A. Yes.

10 Q. OK. And before you signed this agreement, did you review  
11 it with your lawyer?

12 A. Yes.

13 Q. And this is the agreement that you have with the government  
14 in this case, correct?

15 A. Yes.

16 Q. It is the agreement in which you have to testify for the  
17 government, correct?

18 A. Yes.

19 Q. And in return, they're going to write this 5K letter for  
20 you, correct?

21 A. Yes.

22 MS. MACEDONIO: Your Honor, I offer Government Exhibit  
23 3503-68 as defendant's A.

24 MR. HOBSON: No objection.

25 THE COURT: Admitted.

1 (Defendant's Exhibit A received in evidence)

2 MS. MACEDONIO: If we could bring up page 4, please.

3 Publish it to the jury. Actually, if we could start  
4 on page 3, the bottom of page 3.

5 Q. Do you see that, sir, the top, where it says, "It is  
6 understood that this office cannot and does not agree" --  
7 agrees not to prosecute you for tax evasion, right? And then  
8 it goes on to say, moving down, that the agreement specifies  
9 you will not be charged for all of the rest of those crimes in  
10 that paragraph.

11 Do you see that, sir? That's what's called your coverage  
12 paragraph --

13 A. Yes.

14 Q. -- right?

15 A. Yes.

16 Q. So you get coverage for your testimony in this case for all  
17 of those crimes, correct?

18 A. For my testimony on trial?

19 Q. For cooperating with the government. Right?

20 A. The conduct I copped to cover all these cases, all these  
21 crimes I committed.

22 Q. Right. But there's also some crimes in here that you  
23 didn't cop out to, right?

24 A. Like which one?

25 Q. OK. So conspiracy to commit racketeering in association

1 with the Batista enterprise, right; you didn't plead out to  
2 that? Right?

3 A. I pleaded out to similar crimes to that.

4 Q. Similar, but not that.

5 You didn't plead out to the Hot Boys enterprise,  
6 right?

7 A. Yeah, I only pled out to, had those involved in it.

8 Q. OK. You pled to conspiracies, correct? Not the actual  
9 crimes themselves, right?

10 A. I think so.

11 Q. OK. So all of these people that we've just talked about,  
12 they never get their day in court with you, do they, because  
13 you got coverage under a conspiracy theory? Is that right,  
14 sir?

15 A. I don't understand you.

16 Q. OK. You didn't have to plead out to each and every crime  
17 that you told the government about, did you?

18 A. I told the counsel I pled out to cover all these crimes.

19 Q. Right. You pled out to a conspiracy to do these things,  
20 correct?

21 A. I think so.

22 Q. Yeah. You don't know what you pled to?

23 A. I pled to, like, 11, 13 counts.

24 Q. Right.

25 A. Not all covered in these cases.

1 Q. But you didn't plead out to the individual 80 robberies,  
2 right? You just had to plead out to one conspiracy to commit  
3 robberies, correct?

4 MR. HOBSON: Objection.

5 THE COURT: Sustained.

6 BY MS. MACEDONIO:

7 Q. If you turn to page 5, do you see the last paragraph there,  
8 sir? It says you can't commit any further crimes, right?

9 A. Yes.

10 Q. OK. And it's your understanding that if you commit crimes,  
11 they're going to rip up your agreement, right?

12 A. Yes.

13 Q. And you testified yesterday that when you started meeting  
14 with the government -- well, when you first got arrested, you  
15 started meeting with the government a lot, right?

16 A. Yes.

17 Q. And you met with them a lot before you even signed this  
18 agreement, correct?

19 A. Yes.

20 Q. And this agreement is February 22 of 2019, right?

21 A. Yes.

22 Q. OK. But you started talking to them in August of 2017,  
23 correct?

24 A. Yes.

25 Q. Now, every time you met with them, did they not tell you,

1 sir, don't get into any trouble?  
 2 A. Yes.  
 3 Q. And you understood that to mean don't commit any crimes  
 4 while you're in jail, right?  
 5 A. Yes.  
 6 Q. And did they also tell you, sir, don't talk to anybody  
 7 about this case? Right?  
 8 A. Yes.  
 9 Q. Don't talk to any of your codefendants, right?  
 10 A. Yes.  
 11 Q. And certainly don't tell anybody you're cooperating,  
 12 correct?  
 13 A. Yes.  
 14 Q. OK. But you didn't listen to any of that, did you?  
 15 A. Which one didn't I listen to?  
 16 Q. OK. Well, you testified yesterday that while you were in  
 17 jail, you got into a lot of fights. Since you've been in  
 18 federal custody and since you've been meeting with the  
 19 government and cooperating with them, that you've gotten into  
 20 numerous fights, right?  
 21 A. Yes.  
 22 Q. You got into fights over TV, right?  
 23 A. Yes.  
 24 Q. What happened there?  
 25 A. I had argument over TV.

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1 Q. You had an argument with the TV?  
 2 A. Over the TV.  
 3 Q. Did you beat somebody up?  
 4 A. It was a fight.  
 5 Q. What?  
 6 A. It was a fight.  
 7 Q. So you were physically assaulting someone, fair to say?  
 8 A. We was physically assaulting each other.  
 9 Q. OK. Well, you certainly didn't just go back into your cell  
 10 and say I don't care what you watch; you got into a fight with  
 11 someone, right?  
 12 A. Yes.  
 13 Q. OK. And the same with the microwave, right? You didn't  
 14 say you have your turn, I'll go next. You instead decided you  
 15 were going to start assaulting someone, correct?  
 16 A. We assaulted each other.  
 17 Q. OK. And the same with the phones, right?  
 18 A. Yes.  
 19 Q. OK. And you also testified yesterday that you had knives  
 20 while you were in jail. Do you remember that?  
 21 A. Yes.  
 22 Q. How many knives have you had since you've been in custody?  
 23 A. Two or three.  
 24 Q. Two or three? You know that's contraband, right?  
 25 A. Yes.

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1 Q. You know you're not supposed to have them, right?  
 2 A. Yes.  
 3 Q. Did you have to purchase those knives?  
 4 A. No.  
 5 Q. How did you get them?  
 6 A. I made them.  
 7 Q. You made them out of what?  
 8 A. Sharp metals in the jail.  
 9 Q. OK. So you're purposely making weapons while you're in  
 10 jail?  
 11 A. I was a active gang member at the time.  
 12 Q. OK. You went in and started to proffer with the government  
 13 immediately after you got arrested, right?  
 14 A. Yes.  
 15 Q. But yet you just said you were an active gang member at the  
 16 time, right?  
 17 A. Yes.  
 18 Q. So you're playing both sides of the fence. On the one  
 19 hand, you're pretending to be cooperative with the government,  
 20 and on the other hand, you're pretending to be an active gang  
 21 member. Fair to say, sir?  
 22 A. No. I was pretending.  
 23 Q. You were pretending what?  
 24 A. I was cooperating with the government.  
 25 Q. You weren't pretending about that?

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1 A. No.  
 2 Q. OK. So when they were telling you don't get into any more  
 3 trouble, don't commit a crime, you would say OK, and then you  
 4 would go back and actually do that, right?  
 5 A. I had to protect myself. I was in a jail that was active  
 6 with violence.  
 7 Q. Does that mean you had to import and sell drugs while you  
 8 were there?  
 9 A. Come again?  
 10 Q. Does that mean you also had to import and sell drugs while  
 11 you were there?  
 12 A. Yes.  
 13 Q. Yes? That's how you had to protect yourself, by importing,  
 14 selling, and using drugs while you were in jail and meeting  
 15 with the government?  
 16 A. Yeah, I was one of the gang members. I needed to still act  
 17 accordingly.  
 18 Q. Oh, I see. So you were cooperating with the government and  
 19 then you were lying to all the gang members?  
 20 A. Yes.  
 21 Q. OK. So you were lying because, again, it benefitted you in  
 22 that particular situation, correct?  
 23 A. My safety's on the line.  
 24 Q. Your safety was on the line, so you decided to import  
 25 drugs?

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1 A. Where do you get that I was importing drugs from?  
 2 Q. You were taking drugs into the facility, right? You  
 3 managed to get drugs into the MDC, right?  
 4 A. I was buying the drugs already inside of the MDC.  
 5 Q. How were the drugs getting inside the MDC?  
 6 A. I don't know. I was buying them from other inmates.  
 7 Q. OK. Who is Ed?  
 8 Q. Come again?  
 9 Q. Who's Ed?  
 10 A. Junior brother.  
 11 Q. And so Ed was somebody you met at MDC reception, right?  
 12 A. Yes.  
 13 Q. What's MDC reception?  
 14 A. Unit 41.  
 15 Q. Is that where you go when you first get there?  
 16 A. Yes.  
 17 Q. And so when you get there, Ed gives you 300 strips of  
 18 Suboxone, right?  
 19 A. Yes.  
 20 Q. And five sheets of K2, right?  
 21 A. Yes.  
 22 Q. And two fingers of tobacco, right?  
 23 A. Yes.  
 24 Q. OK. And one strip of Suboxone at the MDC --  
 25 Which is the federal prison, correct?

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1 A. Yes.  
 2 Q. -- goes for 50 or \$60, right?  
 3 A. Yes.  
 4 Q. And a small piece of K2, \$10, right?  
 5 A. Yes.  
 6 Q. And you were selling these drugs within the facility,  
 7 correct?  
 8 A. Not all actually drugs. I had to give Ed back his drugs.  
 9 Q. OK. So then you started selling other drugs, right ?  
 10 A. Yes.  
 11 Q. OK. So then Ed ultimately leaves the MDC, right ?  
 12 A. No.  
 13 Q. No? He was there the whole time?  
 14 A. Yes.  
 15 Q. OK. And you were cellmates with Boy?  
 16 A. Yes.  
 17 Q. OK. And Ed gives you and Boy a sample of K2, right?  
 18 A. Yes.  
 19 Q. OK. And you and Boy complain to Ed, hey, we want more, we  
 20 want enough to sell, right?  
 21 A. Yes.  
 22 Q. And so then you get enough to sell, correct?  
 23 A. Yes.  
 24 Q. And then, just before Christmas -- now it's 2017; you're  
 25 meeting with the government -- Ed gets you cell phones,

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1 correct?  
 2 A. Yes.  
 3 Q. OK. And you get those cell phones through an MS-13  
 4 prisoner, right?  
 5 A. Yes.  
 6 Q. What's MS-13?  
 7 A. I don't know him.  
 8 Q. What is it? So the jurors understand what MS-13 is, is it  
 9 a gang?  
 10 A. It's a gang.  
 11 Q. It's a Spanish gang, correct?  
 12 A. Yes.  
 13 Q. OK. And you understand that when you make a call from the  
 14 MDC, those calls are recorded, right?  
 15 A. Yes.  
 16 Q. And now that you have a cell phone, which, of course, is  
 17 contraband, because you're not allowed to have it, right ?  
 18 A. Yes.  
 19 Q. It was smuggled in through an MS-13 prisoner and a guard,  
 20 right?  
 21 A. I don't know how it was smuggled in.  
 22 Q. OK. But you know it was smuggled in, right?  
 23 A. Yes.  
 24 Q. You have the cell phone, and now you can make all the calls  
 25 you want with no one listening, right?

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1 A. Yes.  
 2 Q. Were you committing more crimes or talking about more  
 3 crimes on those cell phones?  
 4 A. I was selling drugs in the facility. Yes.  
 5 Q. Were you posting pictures of yourself from jail ?  
 6 A. No.  
 7 Q. Were you taking pictures and sending them home?  
 8 A. No.  
 9 Q. But certainly you were calling folks in the neighborhood,  
 10 right?  
 11 A. Yes.  
 12 Q. Were you telling them about your cooperation?  
 13 A. No.  
 14 Q. Nobody?  
 15 A. No.  
 16 Q. You told the government on February 1 of 2018 that you only  
 17 used the phones two times. Do you remember that, sir?  
 18 A. I'm not quite sure.  
 19 MS. MACEDONIO: OK. Can we bring up 3503-40, please,  
 20 page 1.  
 21 Q. Do you see it?  
 22 Does that refresh your recollection, sir, that you  
 23 told the government you only used the phones two times ?  
 24 A. Yeah, I told them I used the phone two times to FaceTime.  
 25 Q. OK. That wasn't true, right?

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1 A. Yeah, it was true.  
 2 Q. That was true?  
 3 A. Yes.  
 4 Q. Why would you only use the phone two times to FaceTime if  
 5 you had that phone in your possession all the time?  
 6 A. Because we burned out the battery and we couldn't charge  
 7 the phone no more.  
 8 Q. You understood that you weren't supposed to be using the  
 9 phone, and you had it anyway and you continued to use it even  
 10 after you told the government about it, correct?  
 11 A. No.  
 12 Q. No? Did you go back, then --  
 13 A. I was moved.  
 14 Q. You were moved, but not on February 1, correct?  
 15 A. On what?  
 16 Q. What?  
 17 A. Come again?  
 18 Q. When were you moved?  
 19 A. In January.  
 20 Q. You were moved in January of --  
 21 A. 2018.  
 22 Q. OK. So at this point you don't have the phone anymore, is  
 23 that your testimony?  
 24 A. Yes.  
 25 Q. OK. You were moved to where?

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1 A. Yes.  
 2 Q. And at this point, there's no façade of you being an active  
 3 gang member, correct?  
 4 A. Yes.  
 5 Q. And you also had a store at GEO, right?  
 6 A. Yes.  
 7 Q. What was that about?  
 8 A. Selling food.  
 9 Q. You were selling food? To other inmates?  
 10 A. Yes.  
 11 Q. And you were making a profit on all of this, correct?  
 12 A. Yes.  
 13 Q. And were you using your mother to transport the money  
 14 around on the outside so that you could continue to get your  
 15 drugs?  
 16 A. Yes.  
 17 MS. MACEDONIO: Your Honor, this is an appropriate  
 18 time to break if we could.  
 19 THE COURT: How much longer do you have?  
 20 MS. MACEDONIO: I'd like to try and pare it down  
 21 during the break. Maybe 15 minutes, 20 minutes.  
 22 THE COURT: All right. Let's take a 15-minute break,  
 23 ladies and gentlemen, midmorning break. Refresh yourselves.  
 24 (Continued on next page)  
 25

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1 A. To GEO Queens.  
 2 Q. To GEO. What's GEO?  
 3 A. A cooperation facility.  
 4 Q. OK. So the people who are at GEO are presumed to be  
 5 cooperators, is that fair to say?  
 6 A. Yeah, some people, not all of them.  
 7 Q. Most of the people who are there?  
 8 A. Most of them.  
 9 Q. OK. And when you got to GEO, you were selling drugs there  
 10 as well, is that correct?  
 11 A. Yes, later on.  
 12 Q. Later on when?  
 13 A. Couple months down the line.  
 14 Q. OK. So you testified earlier that when you got to the MDC,  
 15 you were still an active gang member despite the fact that you  
 16 were cooperating with the government. Now you're at GEO, which  
 17 is presumed to be a cooperator facility, and in fact, you are  
 18 cooperating with the government, and you're selling drugs there  
 19 too, right?  
 20 A. I was selling sticks amongst the house for food and to keep  
 21 buying drugs to keep smoking.  
 22 Q. You were selling and using drugs in a federal prison,  
 23 correct?  
 24 A. Yes.  
 25 Q. A federal prison in which cooperators are held, right?

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1 (Jury not present)  
 2 THE COURT: You may step down, sir.  
 3 (Witness not present)  
 4 THE COURT: 15 minutes.  
 5 MR. HOBSON: Your Honor, a quick question for planning  
 6 purposes. Is the lunch break at one?  
 7 THE COURT: Yes. We started basically on time today,  
 8 so we'll try to go to one. Again, it's dependent on the flow  
 9 of questioning.  
 10 MR. HOBSON: Perfect. We just want to get our  
 11 witnesses here at the appropriate time.  
 12 THE COURT: Yes. The plan is to take our lunch at  
 13 one.  
 14 (Recess)  
 15 THE COURT: Bring the witness out.  
 16 How much longer do you think, Ms. Macedonio?  
 17 MS. MACEDONIO: No more than ten minutes, Judge.  
 18 THE COURT: All right. Thank you.  
 19 Do you have an estimate on redirect, if any?  
 20 MR. HOBSON: Short.  
 21 THE COURT: All right.  
 22 You can be seated in the courtroom until the jury  
 23 comes in.  
 24 (Continued on next page)  
 25

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1 (Jury present)  
 2 THE COURT: You may be seated in the courtroom.  
 3 Ms. Macedonio, you may continue and conclude your  
 4 cross-examination of this witness.  
 5 MS. MACEDONIO: Thank you, your Honor.  
 6 Q. Mr. Castillo, you testified earlier this morning that when  
 7 you were at GEO, you continued to commit crimes, correct?  
 8 A. Yes.  
 9 Q. And this was after you pled guilty, correct?  
 10 A. Yes.  
 11 Q. And after you had signed a cooperation agreement with the  
 12 government, correct?  
 13 A. Yes.  
 14 Q. And in addition to not committing any further crimes,  
 15 you're also not supposed to have any contact with your  
 16 codefendants, correct?  
 17 A. Yes.  
 18 Q. And you understood that there were certain codefendants at  
 19 GEO with you, correct?  
 20 A. Yes.  
 21 Q. And again, GEO is a cooperator facility, right?  
 22 A. Yes.  
 23 Q. And one of the individuals who was at GEO was Lefty, right ?  
 24 A. Yes.  
 25 Q. OK. And you had contact with Lefty while you were at GEO,

1 right?  
 2 A. Yes.  
 3 Q. Did you, in fact, send some letters to Lefty?  
 4 A. Yes.  
 5 THE COURT: If you could move closer, sir, because  
 6 it's hard to hear you.  
 7 Thank you.  
 8 Could the jury hear the testimony?  
 9 All right.  
 10 BY MS. MACEDONIO:  
 11 Q. Did you tell Lefty I'm going to try and get the seps off?  
 12 A. Yes.  
 13 Q. What's a sep?  
 14 A. Separation.  
 15 Q. It's a separation order so that the two of you can't be  
 16 housed on the same unit, right?  
 17 A. Yes.  
 18 Q. Do you know the purpose of that order?  
 19 A. After I tried to take it off, yes.  
 20 Q. OK. So you know so that it's that the two of you can't  
 21 talk to each other all the time, right?  
 22 A. Yes.  
 23 Q. Because you're both cooperating, right?  
 24 A. Yes.  
 25 Q. But you tried to have that taken off, correct?

1 A. Yes.  
 2 Q. Did you also tell Lefty to keep his mouth shut?  
 3 A. I don't recall.  
 4 Q. I'm sorry?  
 5 A. I don't recall.  
 6 Q. Don't recall that. OK.  
 7 Did you tell Lefty in your letter, I love you, bro?  
 8 A. Yes.  
 9 Q. Did you tell him niggas talking crazy shit, but we're going  
 10 to touch and break, and essentially you're going to start  
 11 committing more crimes when you get out of jail? Did you tell  
 12 him that in your letter, sir?  
 13 A. I think something of that nature. I don't recall.  
 14 Q. OK. And Lefty, while he was at GEO with you, was passing  
 15 notes through the barber, is that correct?  
 16 A. Those are the letters that was given to the government.  
 17 Q. These letters, is that what you're talking about, the  
 18 letters that --  
 19 A. Yes.  
 20 Q. OK. But those were being passed, for the two of you,  
 21 through the barber, correct?  
 22 A. Yes.  
 23 Q. At one point, did Lefty get concerned because you were  
 24 going in to proffer more than he was? Do you remember that ?  
 25 A. Probably. I don't know.

1 Q. Sorry?  
 2 A. I said probably. I don't know.  
 3 Q. You don't remember that happening? Do you remember meeting  
 4 up with Lefty at GEO and laughing because the two of you had  
 5 been accusing each other of snitching, but in fact, you were  
 6 both cooperating?  
 7 A. We never met up at no specific destination. We used to see  
 8 each other, just walk by each other's houses.  
 9 (Continued on next page)

1 Q. Okay. So but you laughed about the fact that you are both  
 2 cooperating, right?  
 3 A. We laughed when I first seen him get to GEO one day after  
 4 me.  
 5 Q. So you both -- at that point you understood that you were  
 6 both cooperating, right?  
 7 A. Yes.  
 8 Q. Okay. And then Lefty becomes concerned because he knows  
 9 you are going in and he is not. Fair to say?  
 10 A. Probably so.  
 11 Q. Did you also understand that Lefty was using drugs at GEO  
 12 at or about the same time that you were?  
 13 A. I don't remember.  
 14 Q. Sorry?  
 15 A. I don't remember.  
 16 Q. You don't remember that?  
 17 A. No.  
 18 Q. Did you ever become aware that Peter Lopez filed a  
 19 complaint about you at GEO?  
 20 A. Don't really remember.  
 21 Q. Who is Peter Lopez?  
 22 A. P-Mula.  
 23 Q. P-Mula, right? And he was at GEO, too, correct?  
 24 A. Yes.  
 25 Q. And did you threaten P-Mula while you were there in

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1 February of 2019?  
 2 A. I don't really remember. It was a threat.  
 3 Q. Well, do you know if he filed a threat -- a form with the  
 4 warden in which he said you keep passing threats to him through  
 5 other people when he was in E dorm?  
 6 A. I don't know because the warden never came and spoke to me  
 7 about it.  
 8 Q. Nobody ever came and spoke to you about it?  
 9 A. No.  
 10 Q. Okay. Did you tell the kitchen staff that when you caught  
 11 up with P-Mula you are going to finish him?  
 12 A. No, never said that.  
 13 Q. You never said that?  
 14 A. No.  
 15 Q. So if he filed a complaint saying all these things, then he  
 16 is lying, right?  
 17 A. He was mad at me because of the chain robbery.  
 18 Q. If he filed a complaint saying that you were threatening  
 19 him, telling people when you caught up with him you were going  
 20 to finish him, then that was a lie, right?  
 21 A. I don't even know that a complaint was ever made.  
 22 Q. If he did it, he was lying, because you didn't do that?  
 23 A. I don't know if he did do the complaint.  
 24 Q. But you never threatened him. Fair to say?  
 25 A. Yes.

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1 Q. So after you pled guilty in 2019, you -- COVID hit in  
 2 March, April 2020, right?  
 3 A. Yes.  
 4 Q. And you wanted to get out on bail, correct?  
 5 A. Yes.  
 6 Q. Did you speak to the government about that?  
 7 A. Yes.  
 8 Q. What did they say?  
 9 A. No.  
 10 Q. They said no, right?  
 11 A. Yes.  
 12 Q. And you said, I need to get out on bail because COVID is  
 13 rampant and I have asthma, right?  
 14 A. Yes.  
 15 Q. But yet you were smoking marijuana the entire time that you  
 16 were there despite your asthma, correct?  
 17 A. Yes.  
 18 Q. Okay. And in fact, you went so far as to have your lawyer  
 19 file a motion so that you could be released on bail because of  
 20 COVID, right?  
 21 A. Yes.  
 22 Q. And in that motion, your lawyer said that your status as a  
 23 cooperator would ensure you coming back to court and that you  
 24 weren't going to commit any more crimes, right?  
 25 A. Yes.

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1 Q. And that you were going to go and stay at your mother's  
 2 apartment, correct?  
 3 A. Yes.  
 4 Q. And that was in the same neighborhood where you had  
 5 committed all these crimes that we just discussed, right?  
 6 A. Yes.  
 7 Q. And in response, the government said, despite the fact that  
 8 he is cooperating --  
 9 MR. HOBSON: Objection.  
 10 THE COURT: Sustained.  
 11 BY MS. MACEDONIO:  
 12 Q. Was it your understanding, sir, that the government  
 13 objected to your bail?  
 14 A. Come again?  
 15 Q. Was it your understanding that the government objected to  
 16 you getting bail or said no to you getting bail because of  
 17 COVID?  
 18 A. I don't really know. My lawyer didn't disclose that with  
 19 me.  
 20 Q. Did you get bail?  
 21 A. No. The judge denied it.  
 22 Q. The judge denied it, right?  
 23 A. That's what I think.  
 24 Q. That's what you -- no one ever told you what happened?  
 25 A. My lawyer said -- just said it wasn't granted.

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1 Q. Okay.  
 2 A. That's it.  
 3 Q. So you know that your lawyer filed papers, right?  
 4 A. Yes.  
 5 Q. And you know that the government responded to those papers,  
 6 right?  
 7 A. Yes.  
 8 Q. And you know that the judge said no, right?  
 9 A. I assume.  
 10 Q. I'm sorry?  
 11 A. I assume.  
 12 Q. Well, you are still in custody, right?  
 13 A. Yes.  
 14 Q. And is it your understanding that to be released on bail  
 15 you have to be both not a risk of flight or a danger to the  
 16 community? Do you know that, sir?  
 17 A. Yes.  
 18 Q. Okay. And so your bail was denied because there was a  
 19 finding that you were both a risk of flight and a danger to the  
 20 community, correct?  
 21 MR. HOBSON: Objection.  
 22 THE COURT: Just a moment.  
 23 Sustained, given the testimony, yes.  
 24 BY MS. MACEDONIO:  
 25 Q. While you were in GEO, which is a cooperator facility, you

1 were threatening the staff there, were you not?  
 2 A. No.  
 3 Q. You never threatened any of the staff there?  
 4 A. No.  
 5 Q. Where did you threaten staff?  
 6 A. I don't remember threatening any staff.  
 7 Q. No? Did you say to an officer at GEO: Just the bitch I  
 8 wanted to see. Why did you write me up, you stupid bitch? Do  
 9 you remember that now, sir?  
 10 A. That's not a threat.  
 11 Q. That's not a threat? Did you say: You lied on this  
 12 fucking infraction, you bald-headed bitch?  
 13 A. Yes.  
 14 Q. Yeah, you said that. You said: Ya'll three bitch-ass  
 15 niggers, me and my niggers about to wild this shit up. Did you  
 16 say that?  
 17 A. No.  
 18 Q. You didn't say that?  
 19 A. No.  
 20 Q. You didn't tell the officers there that you and the other  
 21 inmates were about to cause a problem.  
 22 A. No.  
 23 Q. So if they wrote that in their papers, they must be lying,  
 24 right?  
 25 A. That was my argument at the hearing.

1 Q. Okay. And you lost that hearing, right?  
 2 MR. HOBSON: Objection.  
 3 THE COURT: Sustained.  
 4 BY MS. MACEDONIO:  
 5 Q. Do you remember having a hearing?  
 6 A. Yes.  
 7 Q. Did you get to review the paperwork from the hearing?  
 8 A. No.  
 9 Q. Never?  
 10 A. No.  
 11 Q. Well, did you win the hearing or lose the hearing?  
 12 MR. HOBSON: Objection.  
 13 THE COURT: Yes, sustained.  
 14 What was the result of the hearing, if you know?  
 15 THE WITNESS: As soon as I walked in, they already had  
 16 a decision. I walked in, they told me I had 60 days, and I  
 17 walked right out. They never gave me no hearing.  
 18 Q. Okay. So you didn't win. They didn't throw it out. You  
 19 got 60 days. You got some disciplinary infraction, right?  
 20 A. They never asked me any questions or let me even speak at  
 21 the hearing. They already had the decision made before I  
 22 walked in.  
 23 Q. Okay.  
 24 THE COURT: When you said you got 60 days, what does  
 25 that mean, sir?

1 THE WITNESS: It means they gave me 60 days in the  
 2 box.  
 3 THE COURT: All right. Thank you. In solitary?  
 4 THE WITNESS: Yes.  
 5 THE COURT: All right.  
 6 BY MS. MACEDONIO:  
 7 Q. Were you told that you had, by one of the officers, a  
 8 twisted belief that you had done nothing wrong?  
 9 A. Come again?  
 10 Q. Were you told --  
 11 MR. HOBSON: Objection.  
 12 THE COURT: Sustained.  
 13 Q. So after you were denied bail and you had this fight with  
 14 the officer over a fire drill -- right? You wouldn't get up  
 15 for the fire drill, is that correct?  
 16 A. I did get up for the fire drill.  
 17 Q. You had this problem with the officer in which you are  
 18 yelling profanities at her, correct?  
 19 A. That was after the fire drill, like two days later.  
 20 Q. And then for that you got the 60 days in the box, right?  
 21 A. Yes.  
 22 Q. Okay. And then at some point you get moved to a different  
 23 facility, correct?  
 24 A. Yes.  
 25 Q. Where do you get moved to?

1 A. MCC.  
 2 Q. And you had more problems with the staff at the MCC, right?  
 3 A. No.  
 4 Q. Did you have problems with the medical staff at the MCC?  
 5 A. On one occasion.  
 6 Q. On just one occasion?  
 7 A. Yes.  
 8 Q. Weren't you abusive to the staff at MCC?  
 9 A. No.  
 10 Q. Never?  
 11 A. No.  
 12 Q. Do you remember speaking to Assistant United States  
 13 Attorney Maurene Comey?  
 14 A. Yes.  
 15 Q. Did you ask her again in 2021 to get bail?  
 16 A. Yes.  
 17 Q. She said no, correct?  
 18 A. Yes.  
 19 Q. And part of the reason she told you was because what you  
 20 were up to at the MCC, right?  
 21 MR. HOBSON: Objection.  
 22 THE COURT: Sustained.  
 23 Q. Were you ever prescribed medications at the MCC?  
 24 A. Yes.  
 25 Q. Were you specifically prescribed medications for anxiety

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1 and bipolar depression and schizophrenia symptoms?  
 2 A. Yes.  
 3 Q. And in fact the schizophrenia symptoms that you had, you  
 4 believed that the people you were hearing talking in your cells  
 5 were talking about you, right?  
 6 A. I don't quite remember.  
 7 Q. Okay. Well, did you have this compulsive need to listen to  
 8 the conversations of the other inmates to --  
 9 THE COURT: Sustained as phrased.  
 10 How much longer do you have?  
 11 MS. MACEDONIO: This is my last question?  
 12 THE COURT: Okay. Go ahead. Rephrase it.  
 13 BY MS. MACEDONIO:  
 14 Q. You were prescribed medication for schizophrenia, correct?  
 15 A. Yes.  
 16 MS. MACEDONIO: I have no further questions.  
 17 THE COURT: All right. Thank you.  
 18 Is there any redirect?  
 19 MR. HOBSON: Yes, your Honor. Give me one moment. I  
 20 think I can shorten this.  
 21 THE COURT: Of course.  
 22 (Pause)  
 23 THE COURT: Ladies and gentlemen of the jury, when  
 24 I -- just before, when I asked Ms. Macedonio how much longer  
 25 she had, she said that this would -- if we could take a break,

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1 she would shorten up the remainder time; and you will notice  
 2 that the government has just said if I give them a minute, he  
 3 will be able to shorten it. They both know how to talk to me.  
 4 I am assuring you. They know I approve of their shortening of  
 5 their questioning.  
 6 THE WITNESS: Excuse me, your Honor.  
 7 THE COURT: I can't hear you. Wait until there is a  
 8 question or unless you have a need.  
 9 REDIRECT EXAMINATION  
 10 BY MR. HOBSON:  
 11 Q. Mr. Castillo, I want to start by asking you a few questions  
 12 about some of the crimes you just talked about on  
 13 cross-examination. Okay?  
 14 A. Yes.  
 15 Q. You talked about a lot -- or you were asked about a lot of  
 16 robberies -- I'm sorry, burglaries of pharmacies. Do you  
 17 remember that?  
 18 A. Yes.  
 19 Q. Did those include burglaries that you committed with the  
 20 200?  
 21 A. Yes.  
 22 Q. You were asked a lot -- about a lot of robberies you  
 23 committed. Do you remember that?  
 24 A. Yes.  
 25 Q. Did those robberies you talked about include robberies that

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1 you committed with the 200s?  
 2 A. Yes.  
 3 Q. You talked about robberies where you stole drugs on  
 4 cross-examination. Did some of those robberies include  
 5 robberies you did with the 200s?  
 6 A. Yes.  
 7 Q. You testified about burglaries in which you stole Percocet  
 8 pills from pharmacies. Do you remember that?  
 9 A. Yes.  
 10 Q. Were some of those burglaries burglaries that you committed  
 11 with the 200?  
 12 A. Yes.  
 13 Q. To the best of your understanding, how did the government  
 14 learn that you had committed those crimes you testified about?  
 15 A. I told them myself.  
 16 Q. To the best of your knowledge, how did the government learn  
 17 that you had tortured people in some of the robberies you  
 18 committed?  
 19 A. I told them myself.  
 20 Q. To the best of your understanding, how did the government  
 21 learn that you had participated in pharmacy burglaries?  
 22 A. I told them myself.  
 23 Q. When you were arrested in this case, what was it for?  
 24 A. Kidnapping, conspiracy to kidnap, brandishing, and  
 25 discharge.

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1 Q. And was the brandishing and discharge related to that  
 2 kidnapping?  
 3 A. Yes.  
 4 Q. And is that the kidnapping you told us about that you did  
 5 with Lefty?  
 6 A. Yes.  
 7 Q. When you pled guilty, what crimes did you plead guilty to?  
 8 A. When I pled guilty to my cooperation agreement?  
 9 Q. Yes.  
 10 A. I pled to racketeering, kidnapping, pimping, fraud,  
 11 robberies, commercial burglaries, promoting of prison  
 12 contraband, and a couple other ones I can't recall at this  
 13 moment.  
 14 Q. To your knowledge or to your understanding, will the judge  
 15 who sentences you know about all of these crimes?  
 16 A. Every single one of them.  
 17 Q. You were asked about crimes you committed in jail. Do you  
 18 remember that?  
 19 A. Yes.  
 20 Q. And did that include crimes that you committed after  
 21 entering into your cooperation agreement?  
 22 A. Yes.  
 23 Q. To your knowledge, will the judge know about those crimes  
 24 at the time of sentencing?  
 25 A. Every single one of them.

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1 Q. Does that include selling drugs in jail?  
 2 A. Yes.  
 3 Q. Does that include the fights over the TV in jail?  
 4 A. Yes.  
 5 Q. Do you remember being asked questions about your  
 6 cooperation agreement with the government?  
 7 A. Yes.  
 8 Q. Do you remember testifying that as a result of the -- that  
 9 your understanding is that if you fully cooperate and tell the  
 10 truth, you will get a 5K letter from the government?  
 11 A. Yes.  
 12 Q. Does the outcome of this trial have any bearing on whether  
 13 the government submits the 5K letter?  
 14 A. No.  
 15 Q. So if you lie and the defendant is convicted, will you get  
 16 that letter?  
 17 A. No.  
 18 Q. And if you tell the truth but the defendant is found not  
 19 guilty, will you get that letter?  
 20 A. Yes.  
 21 Q. Do you think that the judge will base your sentence on  
 22 whether you testified truthfully?  
 23 A. Yes.  
 24 Q. Do you think the judge will base your sentence on whether  
 25 the defendant is convicted?

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1 MS. MACEDONIO: Objection. Asked and answered.  
 2 THE COURT: I'll allow it.  
 3 Q. Mr. Castillo, do you think the judge will base your  
 4 sentence on whether the defendant is convicted?  
 5 A. No.  
 6 Q. You testified that when you engaged in breaking you told  
 7 lies. Do you remember that?  
 8 A. Yes.  
 9 Q. And you said that when breaking you were lying because it  
 10 benefited you. Do you remember that?  
 11 A. Yes.  
 12 Q. In this courtroom, how do you help yourself?  
 13 A. By telling the truth.  
 14 Q. In this courtroom, what happens if you lie?  
 15 A. I will get 37 years.  
 16 Q. What happens to your cooperation agreement?  
 17 A. It will get ripped up.  
 18 MR. HOBSON: No further questions, your Honor.  
 19 THE COURT: All right. Thank you.  
 20 MS. MACEDONIO: I have no questions, Judge.  
 21 THE COURT: You may step down, sir. You are excused.  
 22 Thank you.  
 23 (Witness excused)  
 24 THE COURT: Next witness for the government, please.  
 25 MR. HOBSON: Your Honor, the government calls Frank

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1 Piazza.  
 2 FRANK PIAZZA,  
 3 called as a witness by the government,  
 4 having been duly sworn, testified as follows:  
 5 DIRECT EXAMINATION  
 6 BY MS. BHASKARAN:  
 7 Q. Good morning, Mr. Piazza.  
 8 A. Good morning.  
 9 Q. Mr. Piazza, where do you work?  
 10 A. I work for Legal Audio Video.  
 11 Q. What is Legal Audio Video?  
 12 A. Legal Audio Video is a company that provides forensic audio  
 13 and video services for legal matters.  
 14 Q. What is your title at that company?  
 15 A. The owner and the president.  
 16 Q. And how long have you been working for that company?  
 17 A. That company was created in the year 2000.  
 18 Q. How many times have you testified in connection with your  
 19 legal audiovisual work?  
 20 A. I have testified more than 75 times, somewhere between 75  
 21 and a hundred times.  
 22 Q. Have you testified for the prosecution before?  
 23 A. Yes, I have.  
 24 Q. Have you testified for the defense before?  
 25 A. Yes, I have.

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Q. Now, I would like to turn your attention to this particular case.

Were you asked to perform any work related to video files in this case?

A. Yes.

Q. Generally speaking, what were you asked to do?

A. I was asked by your offices to help assist in creating a timeline, a chronological timeline of events from multiple sources.

Q. Were you paid for this work?

A. Yes.

Q. Are you being paid for your time testifying and preparing to testify?

A. Yes, I am.

Q. All right. So you mentioned that you created a timeline, is that correct?

A. Yes.

Q. In general, what sorts of source material did you use to create that timeline?

A. The source material was a collection of surveillance videos or security camera videos.

Q. Where did you get those videos?

A. From your offices.

Q. Were those video files from the same camera or different cameras?

A. There was just -- there was missing footage that was not there, so the timeline would -- you would see in the date time stamp that you will see on the videos that there was just not video to use. Sometimes there was no activity within the timeline, so portions were removed to not have to make you sit through a bunch of nonevents, if you will.

Q. Does your timeline show the same event in different angles?

A. Yes.

Q. Did you do anything with your proprietary software to improve the quality of the videos?

A. Yes, I did.

Q. Could you describe just at a high level what you did.

A. So a term we use is enhancement. The images within the videos were enhanced, and what that will mean is you have the ability to adjust lighting, you have the ability to adjust color. Like any photo editing program, you also have the ability to sharpen images if you think you need to do that. You also have the ability to zoom in on certain images, and you can also create different speed changes within the video playback.

Q. Mr. Piazza, are you familiar with the term aspect ratio?

A. Yes, I am.

Q. Did your video timeline correct any aspect -- let me take that question back.

What is aspect ratio?

A. It was different locations.

Q. And you mentioned that the video consisted of a timeline?

A. Yes.

Q. How did you determine which videos -- the sequencing of those videos?

A. You were able to give me that information prior to my work, so I understood the direction and what videos in what order should be used.

Q. How did you actually go about making the timeline video?

A. There are a few processes that are involved. After getting the materials from your offices, I requested that they were sent to me in a proprietary format. That format is the kind that will only play with specific software that will play those files.

I then converted those proprietary files to more of a universal common format which enabled me to then perform my work in a video editing software program.

Q. Approximately how many source videos were you working from when you created your timeline video?

A. There were roughly five folders of numerous videos in each folder.

Q. And to your knowledge did your video timeline sometimes skip time?

A. Yes.

Q. Why did that happen?

A. Aspect ratio is a dimension that, when you view a video in a monitor, that it appears proper, that it fits and plays back properly in the monitors. So aspect ratios are important that they are as accurate as can be when you view video.

Q. Did your timeline video do anything to improve or correct aspect ratios from the source files?

A. Yes. So some of the source files had inaccurate aspect ratios. Those need to be adjusted and formatted so they will fit properly on the screen, as I mentioned. And the process to do that is recognizing the common formats that a monitor will produce video and syncing it up with those common formats.

Q. Mr. Piazza, in addition to the video timeline you created, were you asked to make any video stills?

A. Yes.

Q. What are video stills?

A. Video still might also be thought of as just an image, a single image. Images can be extracted from video. Digital video is in fact a group of images, and specific images might be requested and they can be pulled or extracted or exported from the actual video file.

Q. Did you use any of the enhancement techniques that you just described on the video stills?

A. Yes.

Q. Other than what you saw in the videos that were given to you, do you have any other independent knowledge of the event s

1 in this matter?

2 A. No.

3 MS. BHASKARAN: Your Honor, may I approach?

4 THE COURT: Yes.

5 Q. Mr. Piazza, I just handed you two disks. I would like you  
6 to take a look at the first disk which was marked for  
7 identification as Government Exhibit 911. Do you recognize  
8 that exhibit?

9 A. I do.

10 Q. How do you recognize it?

11 A. I recognize it as a thumb drive or a flash drive, and my  
12 initials and date are on this disk.

13 Q. What does that disk contain?

14 A. This contains the raw video footage, the many, many files  
15 that were collected. Only a portion of these files were used  
16 to complete my work, but there are plenty of files on here.

17 Q. Mr. Piazza, if you can now look at the other disk that I  
18 provided to you which has been marked for identification as  
19 Government Exhibit 912. Do you recognize that?

20 A. I do.

21 Q. How do you recognize it?

22 A. This is a DVD disk. I have also dated and initialed the  
23 disk and this has my work product that I performed for you.

24 MS. BHASKARAN: Your Honor, the government now offers

25 Government Exhibit 912 and its sub-exhibits, 912A through

1 912LL.

2 MR. SCHNEIDER: No objection.

3 THE COURT: Admitted without objection.

4 (Government's Exhibits 912, 912A through 912LL

5 received in evidence)

6 BY MS. BHASKARAN:

7 Q. Ms. Abrams, can you please play Government Exhibit 912A and  
8 pause at about the three second mark. You can stop right  
9 there.

10 Mr. Piazza, is this the timeline that you created?

11 A. Yes. This seems to be the timeline, one of the first  
12 images we see.

13 Q. I would like to ask you just a couple of questions to  
14 orient ourselves. Could you just tell us which enhancement  
15 techniques you applied to this particular segment?

16 A. There were some lighting issues that were distorting  
17 certain portions of the video. There was slight sharpening  
18 images used and the color was not adjusted in this. This was  
19 more of a lighting and sharpening issue.

20 Q. Mr. Piazza, do you see the time stamp at the bottom of the  
21 video?

22 A. Yes.

23 Q. Where did that come from?

24 A. I placed it there from the video itself.

25 Q. Okay. And will that be true for the remaining portions of

1 your timeline?

2 A. Yes.

3 THE COURT: Do you mean that notation was on the video

4 itself?

5 THE WITNESS: Yes. So the video viewer, the  
6 proprietary viewer had it in a different location and it had  
7 other graphics surrounding the actual video that we are seeing,  
8 so I needed to take that image out of what was the proprietary  
9 image and then move the counter down below so we didn't have to  
10 see all of the unnecessary graphics --

11 THE COURT: You are just talking about moving the

12 placement of that notation.

13 THE WITNESS: Yes.

14 THE COURT: But my question is was that notation on

15 the original video? I think your answer is yes.

16 THE WITNESS: Yes.

17 THE COURT: All right.

18 THE WITNESS: Sorry.

19 BY MS. BHASKARAN:

20 Q. Ms. Abrams, could you please play Government Exhibit 912A  
21 until about the seven second mark.

22 (Video played)

23 Q. You can stop it right there. Thank you, Ms. Abrams.

24 Mr. Piazza, do you see that red circle?

25 A. Yes.

1 Q. Did you add that red circle?

2 A. I did, yes.

3 Q. How did you add it?

4 A. It's a software technique that you can just apply and you  
5 asked me to highlight that particular van.

6 Q. Ms. Abrams, could you now play that exhibit until about the  
7 12 second mark, please?

8 Mr. Piazza, can you describe what you did here?

9 A. This is indication of we removed approximately 35 seconds  
10 of playback because there was nothing happening on the screen.  
11 It might be easier to just get to the next section not waiting,  
12 so that was put in there that way.

13 Q. And how did you compute the 35 seconds?

14 A. Well, there is a counter, and if you were to go back to the  
15 original file, you would see that, from that point to where you  
16 are now going to pick it up next in the video, you can see that  
17 35 seconds had passed.

18 Q. Ms. Abrams, can you please play Government Exhibit 912A  
19 until about the 28 second mark.

20 (Video played)

21 Q. Mr. Piazza, do you see that red circle?

22 A. I do.

23 Q. Is that a circle that you added to this timeline video?

24 A. Yes.

25 Q. In other parts of the timeline, were you asked to add that

1 same red circle to that individual?  
2 A. Yes, I was.  
3 Q. Ms. Abrams, could you please play this exhibit until about  
4 the 50 second mark.  
5 (Video played)  
6 Q. Mr. Piazza, what's happening here?  
7 A. There seems to be a lot of activity at the end of the  
8 sidewalk and the circle is placed there to demonstrate the  
9 activity.  
10 Q. Did you zoom in on this portion of the video?  
11 A. I did.  
12 Q. What impact does the zooming in have on the quality of the  
13 video?  
14 A. You can see that it compromises the view of the video. The  
15 original quality of the video was low, so it did not give us a  
16 great opportunity to be able to zoom in and create very  
17 detailed, clear images.  
18 Q. Ms. Abrams, can you please play this Government Exhibit  
19 until the 59 second mark or so. Maybe just one more second,  
20 Ms. Abrams, please.  
21 (Video played)  
22 Q. Mr. Piazza, did you add that red circle?  
23 A. I did.  
24 Q. Ms. Abrams, can you please play to the 1:04 mark, please.  
25 Now, Mr. Piazza, is this a new camera angle that you

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1 added to your timeline?  
2 A. Yes, this is a new camera angle.  
3 Q. What enhancement techniques, if any, did you apply here?  
4 A. The same enhancement techniques that were used in the  
5 previous video. There was some lighting adjustments, some  
6 sharpening adjustments, and there was no color adjustments.  
7 Q. Ms. Abrams, can you please play to the 1:18 mark, please.  
8 (Video played)  
9 Q. Mr. Piazza, could you describe for the jury what you did  
10 here in your timeline?  
11 A. So the timeline was zoomed in facing the end of the  
12 sidewalk and a circle was placed around the two individuals.  
13 Q. Ms. Abrams, could you please play until the 1:21 mark?  
14 THE COURT: Go back a few. Go back ten seconds. Play  
15 it again.  
16 (Video played)  
17 THE COURT: Thank you.  
18 BY MS. BHASKARAN:  
19 Q. Ms. Abrams, can you play until the 1:21 mark, please.  
20 (Video played)  
21 Q. Thank you.  
22 Mr. Piazza, can you describe what you did here,  
23 please?  
24 A. This particular text is just describing time has passed and  
25 that we are now forward in the chronological timeline.

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1 Q. Ms. Abrams, if you could actually play the remainder of  
2 this exhibit all the way through.  
3 (Video played)  
4 Q. Thank you, Ms. Abrams. You can take that down.  
5 Mr. Piazza, you mentioned that you created several  
6 image extractions in connection with your work in this case, is  
7 that correct?  
8 A. Yes.  
9 Q. And let's actually just go through some of those images.  
10 Ms. Abrams, could you please publish Government  
11 Exhibit 912D.  
12 Mr. Piazza, is this one of the images that you  
13 extracted?  
14 A. Yes.  
15 Q. Ms. Abrams, you can take that down.  
16 Could you please publish Government Exhibits 912I and  
17 912K, Ms. Abrams? Could you blow them up, too?  
18 Mr. Piazza, are these some of the images that you  
19 extracted?  
20 A. Yes.  
21 Q. Mr. Piazza, do you see the red arrows in each of the  
22 photographs?  
23 A. Yes.  
24 Q. Did you add those?  
25 A. I did.

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1 Q. Ms. Abrams, please take those down and publish 912M.  
2 Mr. Piazza, is this the same as the last image that we  
3 saw where you added the red arrow?  
4 A. Yes.  
5 Q. Ms. Abrams, can you please take that down and publish side  
6 by side Government Exhibits 912O and 912II.  
7 Are these some of your images, Mr. Piazza?  
8 A. Yes.  
9 Q. Ms. Abrams, could you please take those down and publish  
10 Government Exhibit 912N.  
11 Is this one of your images, Mr. Piazza?  
12 A. Yes.  
13 Q. Ms. Abrams, could you please take that down and publish  
14 Government Exhibits 912AA and 912U.  
15 Same question, Mr. Piazza. Are these some of the  
16 images you extracted from the video?  
17 A. Yes.  
18 Q. Ms. Abrams, could you please take that down and publish  
19 government exhibit 912Q.  
20 Mr. Piazza, is this one of your images?  
21 A. Yes.  
22 Q. Does this involve any zooming?  
23 A. Yes.  
24 Q. Thank you, Ms. Abrams. Could you please take that down and  
25 publish Government Exhibit 912S.

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1 Mr. Piazza, is this one of your images as well?  
 2 A. Yes.  
 3 THE COURT: I take it this one also involves zooming,  
 4 correct?  
 5 THE WITNESS: What was that question?  
 6 THE COURT: I take it this image also involved  
 7 zooming.  
 8 THE WITNESS: Yes, it does.  
 9 MS. BHASKARAN: No further questions, your Honor.  
 10 THE COURT: Thank you. Is there any cross-examination  
 11 of this witness.  
 12 MR. SCHNEIDER: If I may, just a few, your Honor.  
 13 THE COURT: Yes, sir.  
 14 MR. SCHNEIDER: Thank you.  
 15 CROSS-EXAMINATION  
 16 BY MR. SCHNEIDER:  
 17 Q. Good afternoon, sir.  
 18 A. Good afternoon.  
 19 Q. Just a couple of questions.  
 20 The times where we see circles, you said that you had  
 21 put those on the video, correct?  
 22 A. Yes.  
 23 Q. And is it fair to say that the government told you who to  
 24 circle?  
 25 A. Yes.

1 Q. And let's see if I get the process. Did you prepare this  
 2 video and then show it to the government and then after they  
 3 saw it, they asked you to put certain markings on it? Is that  
 4 fair?  
 5 A. Yes. It was collaborative. After the initial, as you  
 6 mentioned, was created.  
 7 Q. Okay. So after you showed it to them and they would say to  
 8 you at some point I would like you to circle this person,  
 9 right?  
 10 A. Yes.  
 11 Q. And I would like you to circle this thing. Right?  
 12 A. Yes.  
 13 Q. I would like you -- and they would tell you when to circle  
 14 it, right?  
 15 A. Yes.  
 16 Q. And they would tell you -- also the arrows that you showed  
 17 that were on the video or on the stills, again, the government  
 18 told you when to put those arrows in, right?  
 19 A. Yes.  
 20 Q. And where to go and where to focus those arrows, isn't that  
 21 right?  
 22 A. Yes.  
 23 MR. SCHNEIDER: Thank you, sir. I have nothing else.  
 24 MS. BHASKARAN: No redirect, your Honor.  
 25 THE COURT: Thank you, Mr. Piazza. You are excused.

1 You may step down, sir. Please put your mask back on.  
 2 THE WITNESS: Yup.  
 3 THE COURT: Thank you, sir.  
 4 (Witness excused)  
 5 THE COURT: Next witness for the government.  
 6 MR. HOBSON: Your Honor, the government calls  
 7 Dr. Christopher Borck.  
 8 CHRISTOPHER BORCK,  
 9 called as a witness by the government,  
 10 having been duly sworn, testified as follows:  
 11 DIRECT EXAMINATION  
 12 BY MR. HOBSON:  
 13 Q. Dr. Borck, where do you currently work?  
 14 A. I am currently employed as an associate medical examiner at  
 15 the State of Connecticut Office of the Chief Medical Examiner.  
 16 Q. How long have you been at the Connecticut Office of the  
 17 Chief Medical Examiner?  
 18 A. I have been employed there since August of 2019.  
 19 Q. And what are your duties and responsibilities in that  
 20 position?  
 21 A. My duties are that of the agency, namely, to investigate  
 22 all sudden, unexpected, and unnatural deaths in Connecticut.  
 23 Q. In the course of these duties, do you conduct autopsies?  
 24 A. Yes.  
 25 Q. At a general level, what is an autopsy?

1 A. An autopsy is an examination of a body after death.  
 2 Q. And what is the general purpose of an autopsy?  
 3 A. In an autopsy, we first take a look at the outside of the  
 4 body and document any identifying characteristics, that is,  
 5 hair color, eye color, scars, tattoos, and we document in  
 6 detail any evidence of injury or natural disease on the outside  
 7 of the body.  
 8 In many cases, the next step is an internal  
 9 examination. Here, we make surgical-type incisions across the  
 10 chest, the abdomen, and the back of the head. We remove,  
 11 weigh, and inspect the internal organs, and then document any  
 12 evidence of injury or natural disease.  
 13 At the conclusion of our evaluation, we render an  
 14 opinion as to the cause and manner of death when someone has  
 15 died.  
 16 Q. Dr. Borck, you testified that you currently work in the  
 17 Connecticut Office of the Chief Medical Examiner. Where did  
 18 you work before working in the Connecticut Office of the Chief  
 19 Medical Examiner?  
 20 A. Prior to my employment in Connecticut, I worked as a city  
 21 medical examiner at the Office of Chief Medical Examiner for  
 22 New York City. I was employed there from 2014 until 2019.  
 23 Q. Is there a commonly used abbreviation for the Office of the  
 24 Chief Medical Examiner of New York City?  
 25 A. Yes.



1 Q. And what is that abbreviation?  
 2 A. OCME.  
 3 Q. What is the purpose of OCME?  
 4 A. The duty of the agency is to investigate all sudden,  
 5 unexpected, and unnatural deaths in New York City.  
 6 THE COURT: What was your position there, sir?  
 7 THE WITNESS: I was a city medical examiner.  
 8 THE COURT: Thank you.  
 9 BY MR. HOBSON:  
 10 Q. Dr. Borck, in that position as city medical examiner, what  
 11 did your duties and responsibilities consist of?  
 12 A. My duties are that of the agency, to investigate all  
 13 sudden, unexpected, and unnatural deaths in New York City.  
 14 Q. Please describe for the jury what education and training  
 15 you received before you began working at the OCME.  
 16 A. I received my undergraduate degree from Duke University in  
 17 Durham, North Carolina. I received my medical degree from the  
 18 Drexel University College of Medicine in Philadelphia,  
 19 Pennsylvania. I received my residency training in anatomic and  
 20 clinical pathology at the George Washington University Hospital  
 21 in Washington, D.C. And I received my fellowship training in  
 22 forensic pathology at the Office of Chief Medical Examiner here  
 23 in New York City.  
 24 Q. Are you licensed to practice medicine?  
 25 A. Yes.

1 Connecticut School of Medicine.  
 2 Q. Have you received any awards for your work in pathology ?  
 3 A. Yes.  
 4 Q. Approximately how many autopsies have you performed in your  
 5 career?  
 6 A. I am currently just shy of 1,900.  
 7 Q. Have you previously testified as an expert in the field of  
 8 forensic pathology?  
 9 A. Yes.  
 10 Q. Approximately how many times?  
 11 A. Dozens.  
 12 Q. Have you previously been qualified as an expert in the  
 13 field of forensic pathology?  
 14 A. Yes.  
 15 Q. Have you ever been denied qualification as an expert in  
 16 forensic pathology?  
 17 A. No.  
 18 MR. HOBSON: Your Honor, at this time the government  
 19 moves to qualify Dr. Borck as an expert in forensic pathology.  
 20 MR. SCHNEIDER: No objection.  
 21 THE COURT: Admitted. Granted.  
 22 Ladies and gentlemen, you heard Mr. Hobson ask that I  
 23 qualify Dr. Borck as an expert in forensic pathology, and you  
 24 heard Mr. Schneider say there was no objection, so I have done  
 25 that. All that means is that Dr. Borck can be asked opinion

1 Q. Where are you currently licensed?  
 2 A. I am currently licensed in the State of Connecticut.  
 3 Q. Do you specialize in any particular medicine?  
 4 A. Yes.  
 5 Q. What type of medicine?  
 6 A. I am board certified in anatomic pathology, clinical  
 7 pathology, and forensic pathology.  
 8 Q. I want to focus on forensic pathology for a moment. Can  
 9 you please explain to the jury what forensic pathology is.  
 10 A. Of course. Forensic pathology is a subspecialty in the  
 11 field of pathology. Forensic pathologists are medical doctors  
 12 who use their training in anatomic pathology and clinical  
 13 pathology, including laboratory techniques and an autopsy, to  
 14 determine cause and manner of death when someone has died.  
 15 Q. Have you received any certifications?  
 16 A. Yes.  
 17 Q. What are certifications? Or what are some of the  
 18 certifications?  
 19 A. I am board certified in anatomic pathology, clinical  
 20 pathology, and forensic pathology.  
 21 Q. Do you hold any academic appointments?  
 22 A. Yes.  
 23 Q. What are some of the academic appointments?  
 24 A. I am a current faculty member in the Department of  
 25 Pathology and Laboratory Medicine at the University of

1 questions, that is all. You still evaluate his testimony as  
 2 you would any other person, but he can be asked opinion  
 3 questions in the area of forensic pathology.  
 4 Proceed, sir.  
 5 BY MR. HOBSON:  
 6 Q. Dr. Borck, I would like to direct your attention to October  
 7 3, 2014. Was an autopsy performed on the body of an individual  
 8 named Orlando Rivera on that day?  
 9 A. Yes.  
 10 Q. Who performed that autopsy?  
 11 A. I did.  
 12 Q. Did you perform that autopsy when you were with the OCME in  
 13 New York City?  
 14 A. Yes.  
 15 Q. What, if any, paperwork did you prepare at or near the time  
 16 of Mr. Rivera's autopsy?  
 17 A. At or around the time would be an autopsy report, autopsy  
 18 notes, and other investigative materials.  
 19 Q. What kind of information do those documents contain ?  
 20 A. They contain detailed documentation of the findings during  
 21 the autopsy examination, notes that were taken during the  
 22 autopsy examination, and my opinion as to the cause and manner  
 23 of death.  
 24 Q. Have you reviewed those documents in preparation for your  
 25 testimony today?



1 A. Yes.  
2 Q. Ms. Abrams, if you could please show the witness, the  
3 Court, and the parties, what's been marked for identification  
4 as Government Exhibit 603.

5 Dr. Borck, do you recognize this document?

6 A. Yes.  
7 Q. And Ms. Abrams, I will actually ask you, it is a multipage  
8 document, if you could please flip the pages. Just keep  
9 flipping through the pages, please. One more.

10 Dr. Borck, what are these documents?

11 A. These documents are a case file of the autopsy conducted on  
12 the decedent, Orlando Rivera, which include, among other  
13 things, the autopsy report, autopsy notes, and toxicology.

14 Q. Were these documents prepared around the time of the  
15 autopsy of Mr. Rivera?

16 A. Yes.

17 Q. Are these records the type of records that are prepared in  
18 the ordinary course of OCME's business?

19 A. Yes.

20 Q. Are these the type -- are these records of a type that are  
21 ordinarily kept in the course of OCME's business?

22 A. Yes.

23 MR. HOBSON: Your Honor, the government moves to  
24 introduce Government Exhibit 603 into evidence.

25 MR. SCHNEIDER: No objection.

1 THE COURT: Admitted. 803(6).

2 MR. HOBSON: May we publish?

3 THE COURT: Yes.

4 (Government's Exhibit 603 received in evidence)

5 BY MR. HOBSON:

6 Q. Dr. Borck, I believe we have on the screen the first page  
7 of Government Exhibit 603. What is this document?

8 A. This document is the front page of the autopsy report which  
9 lists the name of the decedent, case number, date of autopsy,  
10 my name, as well as the final diagnoses and the cause and  
11 manner of death.

12 Q. What is the name of the decedent or deceased listed on  
13 Government Exhibit 603?

14 A. The decedent is Orlando Rivera.

15 Q. What is the date of the autopsy listed on Government  
16 Exhibit 603?

17 A. The date of autopsy is October 3 of 2014.

18 Q. Ms. Abrams, can you please turn to page 6 of Government  
19 Exhibit 603.

20 Dr. Borck, when did you finalize your autopsy report ?

21 A. The report was finalized on December 30 of 2014.

22 Q. Ms. Abrams, I'm going to ask you to go back to the first  
23 page of the report, please.

24 Dr. Borck, what did you determine to be the cause of  
25 Mr. Rivera's death?

1 A. The cause of death here is gunshot wound of torso.  
2 Q. I want to talk about some of the steps you took that helped  
3 you reach that conclusion.

4 During your autopsy of Orlando Rivera, did you conduct  
5 an external examination of his body?

6 A. Yes.

7 Q. Could you please generally summarize for the jury what you  
8 saw during the course of your external examination of  
9 Mr. Rivera?

10 A. The decedent had a perforating gunshot wound of the torso  
11 as well as blunt impact injuries to the head and extremities.

12 Q. I want to talk about what some of those terms mean, if it's  
13 okay.

14 Let's start with the perforating gunshot wound. What  
15 is a perforating gunshot wound?

16 A. A perforating gunshot wound refers to a gunshot wound  
17 injury that has both an entrance wound and an exit wound.

18 Q. How can you tell which is an entry wound and which is an  
19 exit wound?

20 A. In general, gunshot entrance wounds are typically round to  
21 oval. They appear punched out in the tissue, and they often  
22 have a margin of abrasion or a scrape to the skin around the  
23 entrance wound.

24 Q. And what about an exit wound?

25 A. Exit wounds, in general, are more irregular or slit-like,

1 with lacerations or tears in the tissue, and may or may not  
2 have margins of abrasion or scrapes.

3 Q. Ms. Abrams, can you please turn to page 3 of Government  
4 Exhibit 603, which is part of the autopsy report, and zoom in  
5 on Section A. That's fine as it is.

6 Dr. Borck, in this description of the entry wound, the  
7 report says that "there was no fouling or stippling of the  
8 adjacent skin." Do you see that?

9 A. Yes.

10 Q. Can you explain to the jury what stippling means.

11 A. Stippling refers to punctate red abrasions or pinpoint  
12 scrapes to the skin that occur when partially burned or  
13 unburned gunpowder particles exit the weapon upon discharge and  
14 impact the skin, causing these injuries. This is what we refer  
15 to as stipple.

16 Q. And can you explain to the jury what the term fouling  
17 means.

18 A. Fouling, or soot deposition, represents completely burned  
19 gunpowder particles that may exit the barrel of the gun on  
20 discharge and deposit on or around the gunshot entrance wound.

21 Q. What are some of the factors that affect whether or not  
22 soot is left behind?

23 A. Soot or completely burned gunpowder particles are very  
24 light and only can travel a few inches. When they deposit  
25 around the gunshot entrance wound, we may see this on the skin

or the clothing, depending on what the decedent may be wearing.

**Q. Does distance affect whether or not gunpowder is left behind?**

**A. Yes.**

**Q. Does a decedent's wearing clothing affect whether gunpowder is left behind?**

**A. Yes.**

**Q. If we could go back to page 1 of the autopsy. You testified that the report also identified certain minor blunt impact injuries. What is a minor blunt impact injury?**

**A. A blunt impact injury is a type of injury that occurs when a body strikes an object or an object strikes the body. During that interaction, a certain amount of force is generated and transmitted to the tissues. If that force exceeds the tissue's inherent ability to remain intact, then an injury occurs. The types of blunt impact injuries we see are abrasions or scrapes to the skin, contusions or bruises, lacerations or tears in the tissue, and fractures.**

**Q. So let's talk about the autopsy of Mr. Rivera. What, if any, head injuries did you observe?**

**A. The decedent had a laceration or a tear in the tissue near the left eye with an adjacent contusion or bruise, and there was some slight hemorrhage in the muscle of the left temple underneath those injuries.**

**Q. What, if any, injuries did you observe to the upper body?**

**A. The decedent had a fracture of the left humerus, which is the long bone of the left arm. Additionally, there were abrasions or scrapes to the skin of the hands and the back of the digits.**

**Q. What, if any, injuries did you observe to the lower body of Mr. Rivera?**

**A. The decedent had abrasions or scrapes to the skin, to the front of the thighs, knees, and legs.**

**Q. Dr. Borck, in your opinion, did any of these injuries contribute to the defendant's death?**

**A. No.**

**Q. Excuse me, to Mr. Rivera's death.**

**A. No.**

**Q. Are the injuries you observed consistent with falling after being shot?**

**A. They could be.**

**Q. After your external examination of Mr. Rivera's body, did you perform an internal --**

**THE COURT: Or, I take it, falling before being shot.**

**THE WITNESS: They could be.**

**BY MR. HOBSON:**

**Q. After your external examination of Mr. Rivera's body, did you perform an internal examination?**

**A. Yes.**

**Q. What, if any, internal injuries did you observe?**

**A. Decedent had a gunshot wound of the torso. The entrance wound was on the right side of the lower back. The projectile perforated the skin and muscles of the right lower back and entered the peritoneal or abdominal cavity. The projectile sequentially perforated or injured the right kidney, the right lobe of the liver, the right hemidiaphragm, and entered the right side of the chest. The projectile then perforated the lower lobe and upper lobe of the right lung, fractured the right second rib, and exited the body.**

(Continued on next page)

**BY MR. HOBSON:**

**Q. What, if any, internal bleeding did you observe of Mr. Rivera?**

**A. There was approximately 600 milliliters of liquid blood in the right chest cavity and approximately 200 milliliters of liquid blood in the peritoneal cavity, or abdominal cavity.**

**Q. And I don't know how much blood is supposed to be in those cavities; was this an unusual amount?**

**A. This is a substantial amount of blood loss, yes.**

**Q. What conclusions, if any, did you reach about the direction the bullet took?**

**A. The direction that the projectile traveled was upward from back to front.**

**Q. Entering where?**

**A. The gunshot entrance wound was in the right side of the lower back.**

**Q. And where was the exit wound?**

**A. The exit wound was on the right side of the upper back.**

**Q. Dr. Borck, I'd like to ask you a hypothetical. Based on what you observed about the path of the bullet, if I told you that the shooter fired the gun from a standing position several yards away, what could you conclude about the position of the deceased when he was shot?**

**A. Given that scenario and the path of the projectile and injuries to the internal organ, that would suggest that the**

1 decedent was in a hunched-over position, facing away from the  
 2 discharge of the firearm.  
 3 Q. Dr. Borck, what opinion, if any, do you have on what caused  
 4 the death of Orlando Rivera?  
 5 A. The cause of death is gunshot wound to the torso.  
 6 Q. How did that injury cause his death?  
 7 A. The decedent had significant injuries to a number of vital  
 8 organs, including a kidney, liver, diaphragm, and right lung.  
 9 There was a substantial amount of blood loss, and in addition,  
 10 the injuries to the lung and diaphragm would have significantly  
 11 impacted the decedent's ability to breathe.  
 12 Q. Dr. Borck, what opinion, if any, do you have on the manner  
 13 of Orlando Rivera's death?  
 14 A. The manner of death is homicide.  
 15 MR. HOBSON: One moment, your Honor?  
 16 No further questions, your Honor.  
 17 THE COURT: Is there any cross-examination?  
 18 MR. SCHNEIDER: Yes, your Honor.  
 19 CROSS-EXAMINATION  
 20 BY MR. SCHNEIDER:  
 21 Q. Good afternoon, Dr. Borck.  
 22 A. Good afternoon.  
 23 Q. It sounds like you've testified once or twice before.  
 24 Now, in your almost 2,000 autopsies, is it fair to say  
 25 occasionally there's a lead piece left in the body, like a

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1 Q. Also, what you do in terms of processing an individual, you  
 2 took what's called a blood card from him, is that right ?  
 3 A. Yes.  
 4 Q. And you also took some fingernails from Mr. Rivera, is that  
 5 right?  
 6 A. Yes.  
 7 Q. And that goes up -- the blood card and fingernails were  
 8 sent to the forensic biology lab, isn't that right?  
 9 A. Yes.  
 10 Q. And that would be done so just in case anybody wanted to  
 11 try to check for DNA, you would have a sample from Mr. Rivera,  
 12 correct?  
 13 A. Yes.  
 14 MR. SCHNEIDER: Thank you. I have nothing else.  
 15 THE COURT: Anything?  
 16 MR. HOBSON: No, your Honor.  
 17 THE COURT: All right. Thank you, Doctor. You are  
 18 excused. You may step down. If you would put your mask on.  
 19 THE WITNESS: Absolutely.  
 20 THE COURT: Thank you.  
 21 THE WITNESS: Thank you.  
 22 (Witness excused)  
 23 THE COURT: Next witness for the government.  
 24 MR. HOBSON: So, your Honor, our next witness is an  
 25 in-custody witness, who we expect to be on the stand for a bit

1 deformed bullet, for example?  
 2 A. In certain circumstances, yes.  
 3 Q. You talked about an entry and exit wound, is that the same  
 4 thing, like a through and through? Have you heard that phrase  
 5 before?  
 6 A. Yes.  
 7 Q. OK. And just so I'm clear, in this situation, for this  
 8 particular individual, Mr. Rivera, you did not recover any  
 9 lead, any bullets, deformed lead, any foreign subject or  
 10 foreign object, did you?  
 11 A. Correct.  
 12 Q. And if you had, then that would then be recovered from the  
 13 body, vouchered, and then it would be given to the police for  
 14 whatever testing, if any, they wanted to do; is that fair to  
 15 say?  
 16 A. Yes.  
 17 Q. So in this case, because there was nothing found, there was  
 18 nothing given to the police, is that right?  
 19 A. There was no projectile recovered, so yes.  
 20 Q. So as a result -- and you could not tell from the entry and  
 21 exit wound what type of bullet caused it, could you ?  
 22 A. No.  
 23 Q. So you couldn't tell the caliber, the make, anything like  
 24 that, from the entry and exit wound, could you?  
 25 A. No.

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1 of time. What we're going to propose, if the Court agrees, is  
 2 that we read a couple stipulations and then perhaps break for  
 3 lunch a bit early.  
 4 THE COURT: Fine.  
 5 Yes, ma'am.  
 6 MS. BHASKARAN: Thank you, your Honor.  
 7 I'll begin with Government Exhibit S5, a stipulation  
 8 that has been agreed to by the parties.  
 9 "It is hereby stipulated and agreed that:  
 10 "Government Exhibit 239 is a true and accurate copy of  
 11 an identification card -- excuse me, of identification card  
 12 photograph of Christian Pabon, the defendant, for an  
 13 identification card issued by the state of Pennsylvania. The  
 14 photograph shown in Government Exhibit 239 was taken on or  
 15 about July 13, 2011, and is maintained in the regular course of  
 16 business by the Pennsylvania Department of Transportation.  
 17 "It is further stipulated and agreed that the above  
 18 government exhibit and this stipulation may be received in  
 19 evidence at trial."  
 20 Your Honor, the government offers Government Exhibit  
 21 S5 and Government Exhibit 239.  
 22 THE COURT: Admitted.  
 23 (Government Exhibits S5 and 239 received in evidence)  
 24 MS. BHASKARAN: Ms. Abrams, could you please publish  
 25 Government Exhibit 239.

1 Thank you, Ms. Abrams.  
 2 You can take that down, please.  
 3 Your Honor, I'll now read from Government Exhibit S4,  
 4 a stipulation that has been agreed to by the parties:  
 5 "It is hereby stipulated and agreed that:  
 6 "On October 3, 2014, Marcos Espinal, a/k/a 'Ito,' was  
 7 arrested and charged with the murder of Orlando Rivera in New  
 8 York County Criminal Court. Following his arrest, Espinal was  
 9 detained in the New York State Department of Corrections  
 10 facility at Rikers Island. On July 7, 2017, Espinal pleaded  
 11 guilty to charges related to the shooting death of Orlando  
 12 Rivera.  
 13 "It is further stipulated and agreed that this  
 14 stipulation may be received in evidence at trial."  
 15 Your Honor, the government offers Government Exhibit  
 16 S4.  
 17 THE COURT: Admitted.  
 18 (Government Exhibit S4 received in evidence)  
 19 MS. BHASKARAN: Your Honor, those are the stipulations  
 20 that we will offer at this time.  
 21 THE COURT: All right.  
 22 Ladies and gentlemen, it's twenty of one. Why don't  
 23 we take our lunch now and why don't you be back at ten to two.  
 24 All right? An hour and ten minutes.  
 25 We need all of you to be here before we can begin, so

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1 please be timely. Ten to two.  
 2 Thank you. Enjoy your lunch.  
 3 (Continued on next page)

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1 (Jury not present)  
 2 THE COURT: All right. Ten to two. Thank you.  
 3 MR. HOBSON: Your Honor, could we preview our  
 4 anticipated schedule?  
 5 THE COURT: Yes, sir.  
 6 MR. HOBSON: So we're actually moving a little faster  
 7 today than we'd anticipated --  
 8 THE COURT: Excellent.  
 9 MR. HOBSON: -- which I think is a good thing, but I  
 10 want the Court to know our next witness is a cooperating  
 11 witness who we expect to testify on direct for approximately an  
 12 hour. I don't know how long defense counsel anticipates for  
 13 cross, and I don't need them to tell us now, but we had thought  
 14 that this witness would get us through the day and we don't  
 15 currently have another witness to testify.  
 16 We have four more witnesses after this witness, all of  
 17 whom are approximately half an hour on direct. So I think we  
 18 could potentially be in a position to rest at the end of the  
 19 day tomorrow even if we were to end after this cooperating  
 20 witness today. However, I also believe we could probably work  
 21 to transport the other cooperating witness here by four, if  
 22 that's the Court's preference. I don't want to get ahead of my  
 23 speed too much in making that promise, but we might be able to  
 24 make that happen.  
 25 THE COURT: Or that's the time, is that it?

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1 MR. HOBSON: I'm sorry?  
 2 THE COURT: You don't think you could get him here or  
 3 you don't think you'll be done before four.  
 4 MR. HOBSON: I don't know if we'll be able to actually  
 5 get him here today.  
 6 THE COURT: Well, I'm not sure that it makes sense to  
 7 have the government do that if we're only going to have a  
 8 maximum of the hour. I'd be inclined, given the representation  
 9 of the government, to not require them to have another witness  
 10 here.  
 11 What's the position of the defense?  
 12 MS. MACEDONIO: That's fine, your Honor.  
 13 THE COURT: All right. Fine. We'll do that then.  
 14 Thank you.  
 15 MR. HOBSON: Thank you, your Honor.  
 16 THE COURT: All right. Thank you.  
 17 (Luncheon recess)

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## AFTERNOON SESSION

1:50 p.m.

(Jury not present)

THE COURT: I'm told the parties have something to address the Court with. Please be seated in the courtroom.

Somebody?

MR. SCHNEIDER: Your Honor, it's just my application, or my position, and I would ask that we do it at sidebar off the record first, with the government counsel, of course.

THE COURT: I'd rather not off the record. We can do it at sidebar. If it's of a personal nature, we can do it off the record.

MR. SCHNEIDER: It is of a personal nature.

THE COURT: All right. Sidebar.

(Discussion off the record; at sidebar)

THE COURT: All right. Bring the jury in.  
(Continued on next page)

(Jury present)

THE COURT: Please be seated in the courtroom.

Ladies and gentlemen of the jury, when we first started on Monday, I think I mentioned to you things in real life in trials don't always work as they do on TV, when everything gets done in an hour and it's all orderly. Unexpected scheduling and logistical issues have arisen, so we're not going to continue with testimony this afternoon. I'm going to give you the rest of the afternoon off. I think that's probably the good news from your standpoint.

We're going to pick it up tomorrow at 9:30 in courtroom 23B, across the hall. Don't come into the courtroom. Come into the jury room on that side, and my deputy will explain that to you. 9:30 tomorrow morning, courtroom 23B, the jury room for courtroom 23B.

Does everyone understand that?

OK. I can tell you that the evidence is coming in basically at a pace that is on schedule or maybe even ahead of schedule. It is the parties' expectation -- I can't guarantee this, because again, things happen that aren't expected. It is the parties' expectation that we probably will be able to close the testimony by the end of Friday; if not, maybe Tuesday morning. But everything is moving forward basically as scheduled or ahead of schedule.

Enjoy the rest of the evening. Keep an open mind.

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Don't discuss the case amongst yourselves or with anyone else. Don't do any research, and we'll pick it up again with another witness at 9:30 tomorrow morning in the jury room to courtroom 23B.

Thank you. And we're not going to sit on Monday. I think I told you that. We're not going to sit.

See you tomorrow at 9:30.

(Jury not present)

THE COURT: All right. 9:30 tomorrow morning. Thank you.

(Adjourned to May 5, 2022, at 9:30 a.m.)

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